

DAY CALENDAR
Wednesday, February 20, 2019 - 10:00 AM
COURTROOM 2

246.0
KA 17-00951

PEOPLE
V
BAQI MUTI

Appeal from a judgment of the Erie County Court County (Sheila A. DiTullio, J.), rendered April 5, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the third degree (two counts).

TIMOTHY P. MURPHY for BAQI MUTI **Submitted**

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK **Submitted**

247.0
KA 15-01808

PEOPLE
V
CURTIS WILSON

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered March 17, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

TIMOTHY S. DAVIS for CURTIS WILSON **Submitted**

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK **Submitted**

248.0
KA 18-00940

PEOPLE
V
DONALD M. SINCLAIR

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.), rendered January 16, 2018. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

THERESA L. PREZIOSO for DONALD M. SINCLAIR **Submitted**

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

249.0
KA 16-01162

PEOPLE
V
MALCOLM WALKER

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloj, J.), rendered May 27, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the third degree.

SARA A. GOLDFARB for MALCOLM WALKER **Submitted**

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

250.0
KA 18-00917

PEOPLE
V
TAYLON D. HEMPHILL

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, J.), rendered January 8, 2018. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the fifth degree.

THERESA L. PREZIOSO for TAYLON D. HEMPHILL **Submitted**

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

251.0
KA 17-00057

PEOPLE
V
LARRY CROSS

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered February 17, 2016. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree.

NICHOLAS P. DIFONZO for LARRY CROSS 10 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

252.0
KA 14-01254

PEOPLE
V
DONNELL LLOYD

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Erie County (M. William Boller, A.J.), dated June 6, 2014. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of murder in the second degree and criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for DONNELL LLOYD 10 minutes

DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

253.0
KA 17-00537

PEOPLE
V
BRANDEN HARDY

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered February 23, 2017. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

ROBERT L. KEMP for BRANDEN HARDY 10 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

254.0
KA 17-01281

PEOPLE
V
ADAM C. SMITH

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered November 17, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

DAVID P. ELKOVITCH for ADAM C. SMITH Submitted

BRITTANY ANTONACCI for THE PEOPLE OF THE STATE OF NEW YORK Submitted

255.0
KA 18-01822

PEOPLE
V
ROBERT RYDZEWSKI

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered December 21, 2017. The judgment revoked a term of probation and imposed a term of incarceration.

ERIN E. MCCAMPBELL for ROBERT RYDZEWSKI 10 minutes

	ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
256.0 CAF 17-01647	<p>THOMAS M. RAPP V PAMELA A. HORBETT</p> <p>Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered June 16, 2017 in a proceeding pursuant to Family Court Act article 4. The order denied respondent's objections to an order of the Support Magistrate.</p>	
	PAMELA A. HORBETT for HERSELF	Submitted
	JOAN CASILIO ADAMS for THOMAS M. RAPP	10 minutes
257.0 CAF 18-00212	<p>LUCKEE D. NORDEE V KILSI C. NORDEE</p> <p>Appeal from an order of the Family Court, Erie County (Brenda M. Freedman, R.), entered September 1, 2017 in a proceeding pursuant to pursuant to Family Court Act article 6. The order, among other things, designated respondent as the primary residential parent of the subject child.</p>	
	DENIS A. KITCHEN, JR., for LUCKEE D. NORDEE	10 minutes
	CHARLES J. GREENBERG for KILSI C. NORDEE	5 minutes
	JENNIFER M. PAULINO, ATTORNEY FOR THE CHILD	5 minutes
258.0 CAF 17-01792	<p>In the Matter of ADDISON M.</p> <p>Appeal from an order of the Family Court, Erie County (Sharon LoVallo, J.), entered September 28, 2017 in a proceeding pursuant to pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent had abused the subject child.</p>	
	DEBORAH J. SCINTA for BRIDGETTE M.	5 minutes
	ROSEMARY LINDA BAPST for ERIE CO. DSS	Submitted
	RICHARD L. SULLIVAN, ATTORNEY FOR THE CHILD	5 minutes
259.0 CAF 18-00266	<p>DESIRE M. EUSON V DASHAWN WRIGHT</p> <p>Appeal from an order of the Family Court, Niagara County (Kathleen M. Wojtaszek-Gariano, J.), entered January 2, 2018 in a proceeding pursuant to pursuant to Family Court Act article 6. The order dismissed the petition.</p>	
	KATHLEEN E. CASEY for DESIRE M. EUSON	Submitted
	DASHAWN WRIGHT for HIMSELF	Submitted
	MELISSA A. CAVAGNARO, ATTORNEY FOR THE CHILD	5 minutes
260.0 CAF 18-00267	<p>DASHAWN WRIGHT V DESIREE EUSON</p>	

Appeal from an order of the Family Court, Niagara County (Kathleen M. Wojtaszek-Gariano, J.), entered January 2, 2018 in a proceeding pursuant to pursuant to Family Court Act article 6. The order awarded petitioner sole custody of the subject child.

KATHLEEN E. CASEY for DESIREE EUSON Submitted

DASHAWN WRIGHT for HIMSELF Submitted

MELISSA A. CAVAGNARO, ATTORNEY FOR THE CHILD Submitted

261.0
CA 18-01209

**MEDICAL CARE OF WESTERN NEW YORK
V
ALLSTATE INSURANCE COMPANY**

Appeal from an order of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered November 1, 2017. The order denied defendant's motion to dismiss.

JERRY MARTI for ALLSTATE INSURANCE COMPANY 15 minutes

DANIEL K. MORRIS for MEDICAL CARE OF WESTERN NEW YORK 15 minutes

262.0
CA 18-00588

**PATRICIA PAGE
V
NIAGARA FALLS MEMORIAL MEDICAL CENTER**

Appeal and cross appeal from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered January 3, 2018. The order, among other things, denied plaintiffs' motion for summary judgment as against defendant Niagara Falls Memorial Medical Center and denied defendant Niagara Falls Memorial Medical Center's motion for summary judgment.

SETH A. HISER for NIAGARA FALLS MEMORIAL MEDICAL CENTER 10 minutes

SCOTT MICHAEL DUQUIN for PATRICIA PAGE 10 minutes

263.0
CA 18-00655

**TOWN OF BRIGHTON
V
WEST BRIGHTON FIRE DEPARTMENT, INC.**

Appeal from an decision and order of the Supreme Court, Monroe County (John J. Ark, J.), entered May 17, 2017 in a CPLR article 78 proceeding and a declaratory judgment action. The decision and order directed petitioners to pay monthly rent of \$5,000.

TIMOTHY C. HANNIGAN for TOWN OF BRIGHTON 15 minutes

DAVID B. GARWOOD for WEST BRIGHTON FIRE DEPARTMENT, INC. 15 minutes

264.0
CA 18-01062

**STACHE INVESTMENTS CORPORATION
V
LEONARD CIOLEK**

Appeal from a statement for judgment of the Supreme Court, Erie County (Henry J. Nowak, J.), entered April 19, 2018. The statement for judgment awarded plaintiff money damages.

JOSEPH G. MAKOWSKI for LEONARD CIOLEK 10 minutes

DAVID J. RUDROFF for STACHE INVESTMENTS CORPORATION 10 minutes

265.0
CA 18-02079

CARMEN BRITT
V
BUFFALO MUNICIPAL HOUSING AUTHORITY

Appeal from a decision and order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered May 1, 2018. The decision and order denied plaintiff's motion to restore his actions to the trial calendar.

LOUIS ROSADO for CARMEN BRITT	10 minutes
JOHN J. MARCHESE for BUFFALO MUNICIPAL HOUSING AUTHORITY	Submitted
ADAM C. FERRANDINO for GRACE MANOR HEALTH CARE FACILITY, INC.	Submitted
ELIZABETH G. ADYMY for PHILLIP J. RADOS, M.D.	Submitted
SALLY J. BROAD for NELDA LAWLER, M.D.	Submitted

266.0
CA 18-02077

ROBERT J. CARNEVALE
V
LORAN M. BOMMER

Appeal from an order of the Supreme Court, Erie County (Dennis E. Ward, J.), entered April 20, 2018. The order granted the motion of plaintiff for summary judgment on the issues of negligence and serious injury.

RICHARD T. SARAF for LORAN M. BOMMER	15 minutes
CAITLIN M. HIGGINS for ROBERT J. CARNEVALE	15 minutes