

DAY CALENDAR  
Monday, February 25, 2019 - 10:00 AM  
HON. SAMUEL L. GREEN COURTROOM

289.0  
TP 18-01517

**JONATHAN ALVARADO**  
V  
**ANTHONY ANNUCCI**

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, Wyoming County [Michael M. Mohun, A.J.], entered August 23, 2018) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for JONATHAN ALVARADO

Submitted

JOSEPH M. SPADOLA for ANTHONY ANNUCCI

Submitted

290.0  
KA 17-02113

**PEOPLE**  
V  
**JASON SLISHEVSKY**

Appeal from a decision and order of the Onondaga County Court (Gordon J. Cuffy, J.), entered September 22, 2017. The decision and order determined defendant to be a level three risk pursuant to the Sex Offender Registration Act.

KRISTEN MCDERMOTT for JASON SLISHEVSKY

Submitted

BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

291.0  
KA 17-01782

**PEOPLE**  
V  
**JOSHUA A. UERKVITZ**

Appeal from an order of the Monroe County Court (Victoria M. Argento, J.), entered June 6, 2017. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

DAVID R. JUERGENS for JOSHUA A. UERKVITZ

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

292.0  
KA 18-00043

**PEOPLE**  
V  
**BRUCE C. WADSWORTH**

Appeal from an order of the Monroe County Court (Stephen T. Miller, A.J.), entered September 30, 2017. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

DAVID R. JUERGENS for BRUCE C. WADSWORTH

Submitted

SANDRA J. DOORLEY for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

293.0  
KA 18-00242

**PEOPLE**  
V  
**BRIAN WILSON**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered October 16, 2017. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

	LINDA M. CAMPBELL for BRIAN WILSON	Submitted
	NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
294.0 KA 16-01088	<b>PEOPLE</b> V <b>RICHARD SPAGNUALO</b>	
	Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered March 18, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree (two counts) and criminal mischief in the fourth degree.	
	DARIENN POWERS for RICHARD SPAGNUALO	10 minutes
	BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
295.0 KA 17-00195	<b>PEOPLE</b> V <b>CHRISTOPHER MCCULLEN</b>	
	Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered January 23, 2017. The judgment convicted defendant, upon his plea of guilty, of scheme to defraud in the first degree and grand larceny in the fourth degree (seven counts).	
	ROBERT L. KEMP for CHRISTOPHER MCCULLEN	10 minutes
	DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
296.0 CAF 18-00883	<b>DANIEL LEE FERRATELLA</b> V <b>ANGELA BEERS THOMAS</b>	
	Appeal from an order of the Family Court, Stueben County (Mathew K. McCarthy, J.), entered April 25, 2018 in a proceeding pursuant to Family Court Act article 8. The order, among other things, adjudged that respondent had committed acts constituting the family offense of criminal contempt.	
	MARY P. DAVISON for ANGELA BEERS THOMAS	5 minutes
	MICHELLE A. COOKE for DANIEL LEE FERRATELLA	10 minutes
	BRITTANY LEIGH LINDER, ATTORNEY FOR THE CHILD	5 minutes
297.0 CAF 18-00745	<b>JESSICA W. BENSON</b> V <b>JAMES T. SMITH</b>	
	Appeal from an order of the Family Court, Stueben County (Mathew K. McCarthy, J.), entered April 2, 2018 in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed respondent to stay away from petitioner.	
	MARY P. DAVISON for JAMES T. SMITH	5 minutes
	RAYMOND PETER KOT, II, for JESSICA W. BENSON	Submitted
	MARYBETH D. BARNET, ATTORNEY FOR THE CHILD	5 minutes
298.0 CAF 18-00746	<b>JESSICA W. BENSON</b> V <b>JAMES T. SMITH</b>	

Appeal from an order of the Family Court, Stueben County (Mathew K. McCarthy, J.), entered April 12, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded respondent sole custody and placement of the subject child.

MARY P. DAVISON for JAMES T. SMITH Submitted

RAYMOND PETER KOT, II, for JESSICA W. BENSON Submitted

MARYBETH D. BARNET, ATTORNEY FOR THE CHILD Submitted

299.0  
CAF 18-01362

JOSHUA T. ATHOE  
V  
NIA M. GOODMAN

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered June 6, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole custody of the subject child.

JEFFREY WICKS for NIA M. GOODMAN 15 minutes

JENNIFER M. LORENZ for JOSHUA T. ATHOE 10 minutes

CHRISTINE F. REDFIELD, ATTORNEY FOR THE CHILD 10 minutes

300.0  
CAF 18-01002

KIMBERLY A. ROGERS  
V  
DAVID W. ROGERS

Appeal from an order of the Family Court, Ontario County (Stephen D. Aronson, J.), entered April 13, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, stayed the proceedings and forwarded the matter to a new Family Court Judge.

GARY MULDOON for DAVID W. ROGERS 10 minutes

SUSAN GRAY for KIMBERLY A. ROGERS Submitted

MARSHA CAMPBELL for HERSELF Submitted

CHRISTINE F. REDFIELD, ATTORNEY FOR THE CHILD Submitted

JENNIFER SHOEMAKER, ATTORNEY FOR THE CHILD Submitted

301.0  
CAF 18-01003

KIMBERLY A. ROGERS  
V  
DAVID W. ROGERS

Appeal from an order of the Family Court, Ontario County (Brian D. Dennis, J.), entered May 25, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, stayed the proceedings.

GARY MULDOON for DAVID W. ROGERS Submitted

SUSAN GRAY for KIMBERLY A. ROGERS Submitted

MARSHA CAMPBELL for HERSELF Submitted

CHRISTINE F. REDFIELD, ATTORNEY FOR THE CHILD Submitted

JENNIFER SHOEMAKER, ATTORNEY FOR THE CHILD Submitted

302.0  
CAF 18-01004

**MARSHA CAMPBELL**  
V  
**KIMBERLY A. ROGERS**

Appeal from an order of the Family Court, Ontario County (Brian D. Dennis, J.), entered June 1, 2018 in a proceeding pursuant to pursuant to Family Court Act article 6. The order, among other things, awarded petitioner temporary custody of one of the subject children.

GARY MULDOON for DAVID W. ROGERS Submitted  
SUSAN GRAY for KIMBERLY A. ROGERS Submitted  
MARSHA CAMPBELL for HERSELF Submitted  
CHRISTINE F. REDFIELD, ATTORNEY FOR THE CHILD Submitted  
JENNIFER SHOEMAKER, ATTORNEY FOR THE CHILD Submitted

303.0  
CA 18-01842

**TERESSA BUTCHELLO**  
V  
**PETER J. TERHAAR, D.O.**

Appeals from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered March 29, 2018. The order, insofar as appealed from, vacated an order dismissing the case.

RYAN P. CRAWFORD for OLEAN GENERAL HOSPITAL 15 minutes  
MARYLOU K. ROSHIA for PETER J. TERHAAR, D.O. 15 minutes  
KATHYRYN MORGAN EASTMAN for TERESSA BUTCHELLO 15 minutes

304.0  
CA 18-01591

**BROADWAY WAREHOUSE CO.**  
V  
**BROOKS C. ANDERSON**

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered April 16, 2018. The order granted the motion of defendant to dismiss the complaint.

J. MICHAEL LENNON for BROADWAY WAREHOUSE CO. 15 minutes  
JUSTIN S. WHITE for BROOKS C. ANDERSON 10 minutes

305.0  
CA 18-02105

**THE WALTON & WILLET STONE BLOCK**  
V  
**CITY OF OSWEGO COMMUNITY DEVELOPMENT**

Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered April 16, 2018. The order granted defendant Camelot Lodge, LLC's motion to renew is motion to dismiss the complaint and upon renewal dismissed plaintiffs' complaint as against defendant Camelot Lodge, LLC.

TERRY J. KIRWAN, JR., for THE WALTON & WILLET STONE BLOCK 15 minutes  
DOUGLAS M. MCRAE for CAMELOT LODGE, LLC 10 minutes  
JON P. DEVENDORF for CITY OF OSWEGO COMMUNITY DEVELOPMENT Submitted

306.0  
CA 18-00865

**KARI ANN FULL**  
V  
**COUNTY OF MONROE**

Appeal from a decision and order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered July 12, 2017. The decision and order granted the motion of defendants to dismiss the complaint and for sanctions.

SCOTT MICHAEL DUQUIN for KARI ANN FULL

10 minutes

MATTHEW D. BROWN for COUNTY OF MONROE

5 minutes

307.0  
CA 18-00965

NICHOLAS CARUSO

**SETTLED**

V

MICHAEL D. CHATFIELD

Appeal from an order of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered March 19, 2018. The order, insofar as appealed from, denied the motion of defendants Michael D. Chatfield and Landstar Ranger, Inc., for summary judgment as to plaintiff, Ronald J. Caruso's claim of significant limitation of use of a body function or system.

PETER D. CANTONE for MICHAEL D. CHATFIELD

BRIAN CHAPIN YORK for RONALD J. CARUSO

308.0  
CA 18-01773

BENEVOLENT AND PROTECTIVE ORDER OF ELKS

V

CREATIVE COMFORT SYSTEMS, INC.

Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.), entered April 10, 2018. The order, inter alia, granted the motion of plaintiffs to disqualify Rupp Baase Pfalzgraf Cunningham, LLC, from representing defendants.

R. ANTHONY RUPP, III, for CREATIVE COMFORT SYSTEMS, INC.

15 minutes

ANDREW O. MILLER for BENEVOLENT AND PROTECTIVE ORDER

10 minutes

309.0  
CA 18-01590

BROADWAY WAREHOUSE, CO.

V

BUFFALO BARN BOARD, LLC

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered June 21, 2018. The order, insofar as appealed from, granted the motion of defendants Empire Building Diagnostics, Inc., and EBD Management, Inc., for summary judgment and dismissed the second amended verified complaint against said defendants.

J. MICHAEL LENNON for BROADWAY WAREHOUSE, CO.

15 minutes

ANDREW O. MILLER for EMPIRE BUILDING DIAGNOSTICS, INC.

10 minutes

310.0  
CA 18-02007

MICHAEL SAVOIE

V

PAUL C. GIGLIOTTI

Appeal from an order of the Supreme Court, Niagara County (David J. Furlong, J.), entered April 24, 2018. The order, insofar as appealed from, granted the motions of defendants for summary judgment and dismissed the complaint.

WILLIAM A. QUINLAN for MICHAEL SAVOIE

15 minutes

MARK P. DELLA POSTA for PAUL C. GIGLIOTTI

15 minutes

THERESA L. PREZIOSO for TREBROS, INC.

15 minutes

311.0  
CA 18-01258

JEFFREY SIMPSON  
V  
SYRACUSE SIGNAL SYSTEMS, INC.

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered June 6, 2018. The order denied the motion of defendant for summary judgment.

KEVIN R. VAN DUSER for SYRACUSE SIGNAL SYSTEMS, INC. 15 minutes

SIDNEY P. COMINSKY for JEFFREY SIMPSON 15 minutes