

DAY CALENDAR
Wednesday, February 19, 2020 - 10:00 AM
COURTROOM 2

224.0
TP 19-01809

EDWARD ALEXANDER
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered October 1, 2019) to review a determination of respondent. The determination found after a Tier II hearing that petitioner violated an inmate rule.

LEAH R. NOWOTARSKI for **EDWARD ALEXANDER**

Submitted

LETITIA JAMES for **ANTHONY ANNUCCI**

Submitted

225.0
TP 19-01940

AMANDA BIDWELL
V
TINA M. STAFFORD

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Oneida County [David A. Murad, J.], entered October 11, 2019) to review a determination of respondent. The determination found that petitioner violated the terms of her parole.

FRANK L. MADIA for **AMANDA BIDWELL**

Submitted

LAURA ETLINGER JAMES for **TINA M. STAFFORD**

Submitted

226.0
KA 18-00668

PEOPLE
V
DOUGLAS MARTIN

Appeal from a judgment of the Erie County Court (James F. Bargnesi, J.), rendered October 4, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fourth degree.

NICHOLAS P. DIFONZO for **DOUGLAS MARTIN**

10 minutes

DANIELLE E. PHILLIPS for **THE PEOPLE OF THE STATE OF NEW YORK**

10 minutes

227.0
KA 18-00857

PEOPLE
V
VALERIE L. RHODES

Appeal from a judgment of the Steuben County Court (Marianne Furfure, J.), rendered October 3, 2017. The judgment convicted defendant, upon her plea of guilty, of grand larceny in the fourth degree.

ROSEMARIE RICHARDS for **VALERIE L. RHODES**

10 minutes

JOHN C. TUNNEY for **THE PEOPLE OF THE STATE OF NEW YORK**

Submitted

228.0
KA 17-01912

PEOPLE
V
JUSTIN L. LETZELTER

	<p>Appeal from a judgment of the Supreme Court, Ontario County (Craig J. Doran, J.), rendered June 5, 2017. The judgment convicted defendant, upon a plea of guilty, of burglary in the third degree and criminal mischief in the third degree.</p>	
	CARA A. WALDMAN for JUSTIN L. LETZELTER	Submitted
	V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NY	Submitted
229.0 KA 18-00543	<p>PEOPLE V JOSHUA D. HUNTRESS</p> <p>Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered January 18, 2018. The judgment convicted defendant, upon a plea of guilty, of aggravated vehicular homicide; and assault in the second degree (three counts).</p>	
	ADAM W. KOCH for JOSHUA D. HUNTRESS	Submitted
	GREGORY KILBURN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
230.0 KA 18-01413	<p>PEOPLE V ROBERT J. HEALY</p> <p>Appeal from a judgment of the Supreme Court, Erie County (Deborah Haendiges, J.), rendered December 14, 2017. The judgment convicted defendant, upon a jury verdict, of rape in the second degree (three counts), criminal sexual act in the second degree (two counts) and endangering the welfare of a child.</p>	
	SHERRY A. CHASE for ROBERT J. HEALY	15 minutes
	MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK	15 minutes
231.0 CAF 18-01007	<p>In the Matter of BRAYLYNN S.</p> <p>Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered December 26, 2017, in a proceeding pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject child.</p>	
	WILLIAM D. BRODERICK, JR. for ERIC S., SR.	10 minutes
	REBECCA CRONAN HOFFMAN for ERIE COUNTY DSS	10 minutes
	DEBORAH K. JESSEY, ATTORNEY FOR CHILD	5 minutes
232.0 CAF 18-01092	<p>In the Matter of ERIC S., JR.</p> <p>Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered December 26, 2017, in a proceeding pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject child.</p>	
	WILLIAM D. BRODERICK, JR. for ERIC S., SR.	Submitted
	REBECCA CRONAN HOFFMAN for ERIE COUNTY DSS	Submitted
	RICHARD L. SULLIVAN, ATTORNEY FOR CHILD	Submitted

233.0 CAF 18-01897	<p>In the Matter of JASON M.</p> <p>Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered April 11, 2018, in a proceeding pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject children.</p> <p>WILLIAM D. BRODERICK, JR. for JOSHUA M. 10 minutes</p> <p>REBECCA HOFMAN for ERIE COUNTY DSS 10 minutes</p> <p>JANE I. YOON, ATTORNEY FOR CHILD 10 minutes</p>
234.0 CAF 18-01898	<p>In the Matter of JASON M.</p> <p>Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered September 24, 2018, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred the custody and guardianship of the subject child to petitioner.</p> <p>WILLIAM D. BRODERICK, JR. for JOSHUA M. Submitted</p> <p>REBECCA HOFFMAN for ERIE COUNTY DSS Submitted</p> <p>RICHARD L. SULLIVAN, ATTORNEY FOR CHILD Submitted</p>
235.0 CAF 18-01899	<p>In the Matter of ARIANNA M.</p> <p>Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered September 24, 2018, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred the custody and guardianship of the subject child to petitioner.</p> <p>WILLIAM D. BRODERICK, JR. for JOSHUA M. Submitted</p> <p>REBECCA HOFFMAN for ERIE COUNTY DSS Submitted</p> <p>RICHARD L. SULLIVAN, ATTORNEY FOR CHILD Submitted</p>
236.0 CAF 18-01900	<p>In the Matter of CLARICE M.</p> <p>Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered September 24, 2018, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred the custody and guardianship of the subject child to petitioner.</p> <p>WILLIAM D. BRODERICK, JR. for JOSHUA M. Submitted</p> <p>REBECCA HOFFMAN for ERIE COUNTY DSS Submitted</p> <p>RICHARD L. SULLIVAN, ATTORNEY FOR CHILD Submitted</p>
237.0 CAF 19-00396	<p>ASHLEY M. LADD V EDWARD G. FRANK, II</p> <p>Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered January 14, 2019 in a proceeding pursuant to Family Court Act article 4. The order, among other things, adjudged that respondent had violated the terms of a prior Order of Suspended Judgment and that the period of incarceration previously ordered should be executed.</p>

	LYLE T. HAJDU for EDWARD G. FRANK, II	Submitted
	TINA M. KASPEREK for ASHLEY M. LADD	Submitted
238.0 CA 19-01362	MICHAEL MCGRAW V TOWN BOARD OF TOWN OF VILLENova	
	Appeals from an order and judgment of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered July 22, 2019. The order and judgment, insofar as appealed from, granted the first cause of action regarding a SEQRA violation, voided the approval of the subject wind project and enjoined physical work on the project pending completion of the SEQRA review.	
	CHARLES W. MALCOMB for TOWN BOARD OF TOWN OF VILLENova	15 minutes
	LAURIE STYKA BLOOM for BALL HILL WIND ENERGY, LLC	15 minutes
	RICHARD J. LIPPES for MICHAEL MCGRAW	15 minutes
239.0 CA 19-01689	MICHAEL MAAK V MEDINA PROFESSIONAL FIREFIGHTERS ASSOCIATION	
	Appeal from an order of the Supreme Court, Orleans County (Tracey A. Bannister, J.), entered February 22, 2019. The order, among other things, denied defendants' motion for summary judgment.	
	ANDREA LEE SAMMARCO for STEVEN COOLEY	Submitted
	GLENN E. PEZZULO for MICHAEL MAAK	Submitted
240.0 CA 19-00819	NHJB, INC. V UTICA FIRST INSURANCE COMPANY	
	Appeal from an order of the Supreme Court, Erie County, (Mark A. Montour, J.), entered March 22, 2019. The order, among other things, denied defendant's cross motion for summary judgment.	
	ANDREW J. MIHALICK for UTICA FIRST INSURANCE COMPANY	15 minutes
	BRENDAN H. LITTLE for NHJB, INC.	15 minutes
241.0 CA 19-01132	NHJB, INC. V UTICA FIRST INSURANCE COMPANY	
	Appeal from an order of the Supreme Court, Erie County, (Mark A. Montour, J.), entered June 13, 2019. The order, among other things, directed defendant to reimburse plaintiffs for their attorneys' fees and disbursements in the underlying personal injury action.	
	ANDREW J. MIHALICK for UTICA FIRST INSURANCE COMPANY	Submitted
	BRENDAN H. LITTLE for NHJB, INC.	Submitted
242.0 CA 19-01237	NHJB, INC. V UTICA FIRST INSURANCE COMPANY	

	<p>Appeal from a judgment of the Supreme Court, Erie County, (Mark A. Montour, J.), entered June 19, 2019. The judgment awarded plaintiffs the sum of \$86,093.50 as against defendant.</p>	
	<p>ANDREW J. MIHALICK for UTICA FIRST INSURANCE COMPANY</p>	Submitted
	<p>BRENDAN H. LITTLE for NHJB, INC.</p>	Submitted
242.1 CA 19-01879	<p>NHJB, INC. V UTICA FIRST INSURANCE COMPANY</p> <p>Appeal from an amended statement of judgment of the Supreme Court, Erie County, (Mark A. Montour, J.), entered October 3, 2019. The judgment awarded plaintiffs the sum of \$85,618.50</p>	
	<p>ANDREW J. MIHALICK for UTICA FIRST INSURANCE COMPANY</p>	Submitted
	<p>BRENDAN H. LITTLE for NHJB, INC.</p>	Submitted
243.0 CA 19-00713	<p>In the Matter of SEIGFREID BINGHAM, P.C. (AFTERCARE NURSING SERVICES, INC.)</p> <p>Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered March 6, 2019 in a proceeding pursuant to CPLR article 75. The order denied the petition of Seigfreid Bingham, P.C. to stay arbitration.</p>	
	<p>DONNA L. BURDEN for SEIGFREID BINGHAM, P.C.</p>	10 minutes
	<p>ERIN C. BOREK for AFTERCARE NURSING SERVICES, INC.</p>	15 minutes
244.0 CA 19-00826	<p>AMANDA TAYLOR V KWIK FILL</p> <p>Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered May 1, 2019. The order denied the motion of defendant for summary judgment.</p>	
	<p>MICHAEL J. WILLETT for KWIK FILL</p>	10 minutes
	<p>JON L. WILSON for AMANDA TAYLOR</p>	15 minutes
245.0 CA 19-00464	<p>In the Matter of BUFFALO TEACHERS FEDERATION, INC. (BOARD OF EDUCATION OF CITY SCHOOL DISTRICT)</p> <p>Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered February 26, 2019 in a proceeding pursuant to CPLR article 75. The order denied petitioner's petition seeking to vacate an arbitration opinion and award and granted respondents' request to confirm the arbitration opinion and award.</p>	
	<p>CATHERINE CREIGHTON for BUFFALO TEACHERS FEDERATION, INC.</p>	15 minutes
	<p>NATHANIEL KUZMA for BD OF EDUCATION OF CITY SCHOOL DISTRICT</p>	15 minutes
246.0 CA 19-01456	<p>BARBARA ATTEA-LUDWICK V PATRICIA A. THOMAS</p>	

	<p>Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered April 3, 2019. The order, insofar as appealed from, denied the motion of defendant Patricia A. Thomas for summary judgment and sanctions.</p>	
	SEAN M. SPENCER for PATRICIA A. THOMAS	10 minutes
	RYAN C. JOHNSEN for BARBARA ATTEA-LUDWICK	10 minutes
247.0 CA 19-00731	<p>ENERGYMARK LLC V NEW WAVE ENERGY CORP.</p> <p>Appeal from an order of the Supreme Court, Erie County, (Henry J. Nowak, J.), entered March 19, 2019. The order, among other things, granted in part defendants' pre-answer motion to dismiss.</p>	
	KEVIN T. O'BRIEN for ENERGYMARK LLC	15 minutes
	ALICE J. CUNNINGHAM for NEW WAVE ENERGY CORP.	15 minutes
248.0 CA 19-01181	<p>US BANK NATIONAL ASSOCIATION V LYNDA A. GOODHUE</p> <p>Appeal from a decision and order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 1, 2019. The decision and order, upon reargument, denied the motion of plaintiff to restore the action to the trial calendar and for a judgment of foreclosure and sale.</p>	
	JOSEPH F. BATTISTA for US BANK NATIONAL ASSOCIATION	15 minutes
	JOSEPH EDWARD DEMARCO for LYNDA A. GOODHUE	10 minutes
249.0 CA 19-01472	<p>US BANK NATIONAL ASSOCIATION V LYNDA A. GOODHUE</p> <p>Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered December 19, 2018. The order insofar as appealed from, denied the motion of plaintiff to restore the action to the trial calendar and for a judgment of foreclosure.</p>	
	JOSEPH F. BATTISTA for US BANK NATIONAL ASSOCIATION	Submitted
	JOSEPH EDWARD DEMARCO for LYNDA A. GOODHUE	Submitted
250.0 CA 19-00184	<p>GARY D. WYSOCKI V STEVEN J. GODINHO</p> <p>Appeal from an order of the Supreme Court, Erie County (Mark A. Montour, J.), entered January 16, 2019. The order, insofar as appealed from, conditionally struck the answer of defendant Steven J. Godinho.</p>	
	KEVIN J. GRAFF for STEVEN J. GODINHO	10 minutes
	ALISON K. HASELEY for GARY D. WYSOCKI	10 minutes
251.0 CA 19-00673	<p>GARY D. WYSOCKI V STEVEN J. GODINHO</p>	

Appeal from an order of the Supreme Court, Erie County (Mark A. Montour, J.), entered April 8, 2019. The order, insofar as appealed from, granted the motion of plaintiff for a default judgment against defendant Steven J. Godinho and for summary judgment on liability against defendant Tia Lapp.

KEVIN J. GRAFF for STEVEN J. GODINHO

Submitted

ALISON K. HASELEY for GARY D. WYSOCKI

Submitted