

**DAY CALENDAR**  
**Monday, February 24, 2020 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**275.1**  
**CA 19-01071**

**DARRYL L. MACKAY**  
**V**  
**155 EAST MAIN ST., LLC**

**Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered April 1, 2019. The order, among other things, granted the motion of third-party plaintiff motion to preclude third-party defendant Comfort Systems USA (Syracuse), Inc., doing business as Billone Mechanical Contractors, from introducing any evidence at trial of contractual indemnification.**

**SANJEEV DEVABHAKTHUNI for COMFORT SYSTEMS USA INC. 10 minutes**

**BRADY J. O'MALLEY for 155 EAST MAIN ST., LLC 10 minutes**

**276.0**  
**KA 19-00334**

**PEOPLE**  
**V**  
**DEQUAWN R. MCKENZIE**

**Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered December 13, 2018. The judgment convicted defendant, upon a plea of guilty, of attempted criminal sale of a controlled substance in the third degree.**

**CAITLIN M. CONNELLY for DEQUAWN R. MCKENZIE Submitted**

**HARMONY A. HEALY for THE PEOPLE OF THE STATE OF NEW YORK Submitted**

**277.0**  
**KA 19-00926**

**PEOPLE**  
**V**  
**DEQUAWN R. MCKENZIE**

**Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered April 23, 2019. The judgment convicted defendant, upon a plea of guilty, of criminal sale of a controlled substance in the fifth degree.**

**CAITLIN M. CONNELLY for DEQUAWN R. MCKENZIE Submitted**

**HARMONY A. HEALY for THE PEOPLE OF THE STATE OF NEW YORK Submitted**

**278.0**  
**KA 16-01585**

**PEOPLE**  
**V**  
**STEPHEN A. ROSA**

**Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered March 9, 2016.. The judgment convicted defendant, upon his plea of guilty, of criminal trespass in the second degree.**

**BENJAMIN L. NELSON for STEPHEN A. ROSA 5 minutes**

**NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes**

**279.0**  
**KA 17-02211**

**PEOPLE**  
**V**  
**REGINALD ALLS**

	<p>Appeal from a judgment of the Erie County Court (James F. Bargnesi, J.), rendered December 7, 2017. The judgment convicted defendant, upon his plea of guilty, of leaving the scene of an incident without reporting resulting physical injury.</p>	
	ROBERT L. KEMP for REGINALD ALLS	Submitted
	MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
280.0 KA 19-00890	<p>PEOPLE V CALVIN D. CROGAN</p> <p>Appeal from a judgment of the Niagara County Court (Sarah Sheldon, J.), rendered March 29, 2019. The judgment convicted defendant, upon a plea of guilty, of attempted assault in the first degree.</p>	
	DAVID J. FARRUGIA for CALVIN D. CROGAN	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
281.0 KA 18-00807	<p>PEOPLE V TERRANCE WILLIAMS</p> <p>Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered July 11, 2017. The judgment convicted defendant, upon a plea of guilty, of criminal possession of a weapon in the second degree.</p>	
	BRITTNEY CLARK for TERRANCE WILLIAMS	10 minutes
	BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
282.0 KA 16-00426	<p>PEOPLE V RICKY P. WALLACE</p> <p>Appeal from a judgment of the Monroe County Court (Thomas R. Morse, A.J.), rendered December 15, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.</p>	
	KATHLEEN P. REARDON for RICKY P. WALLACE	10 minutes
	LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
283.0 KA 18-00411	<p>PEOPLE V PERRY TOLBERT</p> <p>Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered July 7, 2017. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree, criminal possession of a controlled substance in the seventh degree and criminally using drug paraphernalia in the second degree (two counts).</p>	
	BRITTNEY CLARK for PERRY TOLBERT	10 minutes
	NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes

284.0 CA 18-02042	STATE OF NEW YORK V JUAN U.	
	Appeal from an order of the Supreme Court, Monroe County (Christopher S. Ciaccio, A.J.), entered August 30, 2018 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, committed respondent to a secure treatment facility.	
	MARK C. DAVISON for JUAN U.	10 minutes
	ALLYSON B. LEVINE for STATE OF NEW YORK	10 minutes
285.0 KA 16-02221	PEOPLE V MARTIN DELGADO	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered April 20, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.	
	DREW R. DUBRIN for MARTIN DELGADO	10 minutes
	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
286.0 CAF 18-01791	JESSICA CHASE V SILVIA CHASE	
	Appeal from an order of the Family Court, Ontario County (Brian D. Dennis, J.), entered August 20, 2018 in a proceeding pursuant to Family Court Act article 6. The order granted the petition.	
	MARY P. DAVISON for ROSE CHASE	10 minutes
	JESSICA CHASE for HERSELF	Submitted
	SILVIA CHASE for HERSERLF	Submitted
	JOSEPH S. DRESSNER, ATTORNEY FOR CHILD	10 minutes
287.0 CAF 18-01792	JOSEPH S. DRESSNER V PATRICIA A. MOONEY-TIRAO	
	Appeal from an order of the Family Court, Ontario County (Brian D. Dennis, J.), entered August 20, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded Silvia Chase primary physical placement of the subject child.	
	MARY P. DAVISON for ROSE M. CHASE	Submitted
	SILVIA CHASE for HERSERLF	Submitted
	JOSEPH S. DRESSNER, ATTORNEY FOR CHILD	Submitted
288.0 CAF 18-01794	ROSE M. CHASE V SILVIA CHASE	
	Appeal from an order of the Family Court, Ontario County (Brian D. Dennis, J.), entered August 20, 2018 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition	

	MARY P. DAVISON for ROSE M. CHASE	Submitted
	SILVIA CHASE for HERSELF	Submitted
	JOSEPH S. DRESSNER, ATTORNEY FOR CHILD	Submitted
289.0 CA 19-01797	GEORGE P. GROSS V TRAVELERS INSURANCE	
	Appeal from an order of the Supreme Court, Erie County, (Donna M. Siwek, J.), entered September 25, 2019. The order granted defendant's motion to dismiss plaintiff's complaint.	
	MATTHEW J. KAISER for GEORGE P. GROSS	10 minutes
	BETSY F. VISCO for TRAVELERS INSURANCE	10 minutes
290.0 CA 19-01966	IRMA STRAUS REALTY CORP. V OLD REPUBLIC NATIONAL TITLE INSURANCE	
	Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered April 2, 2019. The order denied the motion of defendant to dismiss the complaint and ordered defendant to file and serve an answer.	
	PHILLIP A. OSWALD for OLD REPUBLIC NATIONAL TITLE INSURANCE	10 minutes
	ALAN R. PETERMAN for IRMA STRAUS REALTY CORP.	10 minutes
292.0 CA 19-00831	VERN R. WATSON V JOHN PESCHEL	
	Appeal and cross appeal from an order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered April 25, 2019. The order granted in part and denied in part the motion of plaintiff Vern R. Watson for Summary Judgment.	
	STEPHANIE VISCELLI for VERN R. WATSON	10 minutes
	KRISTIN L. NORFLEET for JOHN PESCHEL	10 minutes
293.0 CA 19-00310	HAROLD BLACKMON V CITY OF SYRACUSE	
	Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered December 11, 2018. The order granted the motion of City of Syracuse to dismiss the complaint.	
	A.J. BOSMAN for HAROLD BLACKMON	10 minutes
	ADAM P. MASTROLEO for CITY OF SYRACUSE	15 minutes
294.0 CA 19-00238	In the Matter of TERRY M.	
	Appeal from an order of the Supreme Court, Erie County, (Christopher J. Burns, J.), entered January 14, 2019. The order, imposed a judgment in favor of Adult Incapacitated Person Mary M. as against Terry L. M. in the amount of \$232,555.70.	
	MATTHEW ALBERT for TERRY M.	Submitted

	<b>SARAH JANE DUVALL for MARY L. M.</b>	<b>Submitted</b>
<b>295.0</b>	<b>DARRYL L. MACKAY</b>	
<b>CA 19-01649</b>	<b>V</b>	
	<b>155 EAST MAIN ST., LLC</b>	
	<b>Appeal from an order of the Supreme Court, Monroe County (James J. Pampiano, J.), entered August 7, 2019. The order denied the third-party plaintiff's motion for summary judgment.</b>	
	<b>BRADY J. O'MALLEY for 155 EAST MAIN ST., LLC</b>	<b>15 minutes</b>
	<b>JAMES J. LOFRESE for DHD VENTURES MANAGEMENT COMPANY</b>	<b>Submitted</b>
	<b>SANJEEV DEVABHAKTHUNI for COMFORT SYSTEMS USA</b>	<b>15 minutes</b>
<b>296.0</b>	<b>JOSIAH SCHUTT</b>	
<b>CA 19-01214</b>	<b>V</b>	
	<b>MARK D. BOOKHAGEN</b>	
	<b>Appeal and cross-appeal from an order of the Supreme Court, Erie County, (Timothy J. Walker, J.), entered April 9, 2019. The order, among other things, granted in part and denied in part plaintiff's motion for summary judgment.</b>	
	<b>ANTHONY J. ZITNIK, JR. for JOSIAH SCHUTT</b>	<b>10 minutes</b>
	<b>NELSON E. SCHULE, JR. for MARK D. BOOKHAGEN</b>	<b>10 minutes</b>
<b>297.0</b>	<b>MARILYN Y. HUBBARD</b>	
<b>CA 19-00249</b>	<b>V</b>	
	<b>DEMETRIUS ROBINSON</b>	
	<b>Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered January 15, 2019. The order, among other things, granted motion of defendants Town of Cheektowaga and the Cheektowaga Police Department for summary judgment.</b>	
	<b>MATTHEW J. KAISER for MARILYN Y. HUBBARD</b>	<b>10 minutes</b>
	<b>TAMARA M. HARBOLD for DEMETRIUS ROBINSON</b>	<b>5 minutes</b>
	<b>MARYLOU K. ROSHIA for TOWN OF CHEEKTOWAGA</b>	<b>10 minutes</b>