DAY CALENDAR

Tuesday, February 25, 2020 - 10:00 AM HON. SAMUEL L. GREEN COURTROOM

298.0 KA 19-00862

PEOPLE

DALTON WILKE

Appeal from an order of the Monroe County Court (Christopher S. Ciaccio, J.), entered January 29, 2019. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

DAVID R. JUERGENS for DALTON WILKE

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

299.0 KA 14-00921 PEOPLE V

TERRELL L. MURRAY

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered March 12, 2014. The judgment convicted defendant, upon a jury verdict, of insurance fraud in the third degree and falsifying business records in the first degree.

CHARLES D. STEINMAN for TERRELL L. MURRAY

10 minutes

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

10 minutes

300.0 KA 15-01173 **PEOPLE**

V

BENJAMIN ADDISON, II

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered September 15, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.

DAVID M. ABBATOY, JR. for BENJAMIN ADDISON, II

10 minutes

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

10 minutes

301.0 KA 14-00200 **PEOPLE**

V

NATALIE A. JOHNSON

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered December 18, 2013. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts).

BRIDGET L. FIELD for NATALIE A. JOHNSON

10 minutes

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

10 minutes

302.0 KA 17-01964 **PEOPLE**

CALIPH QUINN

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered October 13, 2017. The judgment convicted defendant, upon a jury verdict, of assault in the second degree.

LORENZO NAPOLITANO for CALIPH QUINN

10 minutes

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

10 minutes

303.0 ΚΔ 16-01333 **PEOPLE**

KA 16-01333 V

CORY REDMOND

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered May 20, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree, menacing a police officer, assault in the second degree, criminal mischief in the second degree and menacing in the second degree.

PAUL MEABON for CORY REDMOND

10 minutes

DARIENN P. BALIN for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

304.0 KA 15-01937 PEOPLE V

NIKEY J. HALL

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered October 7, 2015. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.

CAITLIN M. CONNELLY for NIKEY J. HALL

10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

305.0 KA 15-00983 PEOPLE V

WILLIE GRAY

Appeal from a judgment of the Monroe County Court (James J. Pampiano, J.), rendered March 6, 2015. The judgment convicted defendant, upon a plea of guilty, of robbery in the first degree.

DREW R. DUBRIN for WILLIE GRAY

10 minutes

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

306.0 CA 19-01088 JULIE E. PASEK

V

CATHOLIC HEALTH SYSTEM, INC.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered January 28, 2019. The order denied the motion of defendant George R. Bancroft, M.D., for summary judgment dismissing plaintiff's complaint and cross claims as against him.

J. MARK GRUBER for GEORGE R. BANCROFT, M.D.

10 minutes

ANGELO S. GAMBINO for JULIE E. PASEK

10 minutes

307.0 CA 19-00300 JAMES A. GARDNER

V

WHITNEY ZAMMITT

Appeal and cross appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered February 14, 2019. The order, inter alia, granted the motion of plaintiff for summary judgment.

BARBARA A. KILBRIDGE for WHITNEY ZAMMITT

20 minutes

JAMES P. RENDA for JAMES A. GARDNER

10 minutes

308.0 CA 19-01855 **EDMUND J. GIZA**

V

CATHERINE A. BARNEY

Appeal from a judgment of the Supreme Court, Onondaga County (Martha Walsh Hood, A.J.), entered April 9, 2019 in a divorce action. The judgment, among other things, dissolved the marriage between the parties, equitably distributed the marital assets and awarded defendant maintenance.

LINDA M. CAMPBELL for CATHERINE A. BARNEY

10 minutes

TERRY J. KIRWAN, JR. for EDMUND J. GIZA

15 minutes

309.0 CA 19-00644 U.S. BANK NATIONAL ASSOCIATION

V

CHARLES A. BROWN

Appeal from an order of the Supreme Court, Chautauqua County (James H. Dillon, J.), entered December 6, 2018. The order granted the motion of defendants, Charles A. Brown and Susan L. Brown, to dismiss the plaintiff's complaint.

STEPHEN J. VARGAS for U.S. BANK NATIONAL ASSOCIATION

15 minutes

ARTHUR N. BAILEY for CHARLES A. BROWN

Submitted

310.0 CAF 19-00051 In the Matter of

MARIA P.

Appeal from an order of the Family Court, Jefferson County (Eugene J. Langone, Jr., J.), entered December 4, 2018, in a proceeding pursuant to Social Services Law §384-b. The order terminated the parental rights of respondent.

JOHN A. CIRANDO for ANTHONY P.

10 minutes

KRISTOPHER STEVENS for JEFFERSON COUNTY DSS

10 minutes

SCOTT A. OTIS, ATTORNEY FOR CHILD

Submitted

312.0 CA 19-01092 ROBERT M. WEICHERT

V

VILLAGE OF EVANS MILLS

Appeal from a memorandum decision and order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered February 28, 2019. The memorandum decision and order, insofar as appealed from, directed respondent County of Jefferson to comply with a court order dated September 1, 2005.

DAVID JOHN PAULSEN for COUNTY OF JEFFERSON

5 minutes

ROBERT M. WEICHERT for ROBERT M. WEICHERT

Submitted

313.0 CA 19-00954 **PATRICK DEERING**

V

ROBERTA PROSSER

Appeal from an order and judgment of the Supreme Court, Niagara County (Frank Caruso, J.), entered April 4, 2019. The order and judgment, insofar as appealed from, denied the motion of plaintiff for summary judgment on the issue of serious injury, granted the motions of defendants for summary judgment on the issue of serious injury and dismissed the complaint.

CRAIG Z. SMALL for PATRICK DEERING

15 minutes

JUSTIN L. HENDRICKS for ROBERTA PROSSER

15 minutes

HILARY C. BANKER for KYLE MULLEN

Submitted

314.0 CA 19-01672 **BATAVIA TOWNHOUSES, LTD.**

V

COUNCIL OF CHURCHES HOUSING DEVELOPMENT

Appeal from a decision and order of the Supreme Court, Genesee County (Timothy J. Walker, A.J.), entered August 19, 2019. The decision and order, inter alia, denied the motion of defendant for summary judgment and granted the motion of plaintiffs to cancel and discharge a WrapAround Note and Mortgage.

WILLIAM BRUECKNER for COUNCIL OF CHURCHES HOUSING

10 minutes

STEVEN D. GORDON for BATAVIA TOWNHOUSES, LTD.

10 minutes

315.0 CA 19-01322 THEODORE NALBONE

V

VANDERBILT PROPERTIES, INC.

Appeal from an order and judgment of the Supreme Court, Erie County (Mark A. Montour, J.), entered April 24, 2019. The order and judgment, insofar as appealed from, granted the motion of defendants for summary judgment dismissing plaintiffs' Labor Law §§ 240 (1) and 241 (6) causes of action and dismissed the complaint.

MICHAEL J. SKONEY for THEODORE NALBONE

10 minutes

GERARD E. O'CONNOR for VANDERBILT PROPERTIES, INC.

10 minutes

ALAN J. DEPETERS for CMC CONCRETE, LLC

15 minutes

316.0 CA 19-01258

RONALD D. TURNER

SETTLED

V

JOSEPH F. BUCCOLERI

Appeal from an order of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered December 24, 2018. The order granted the motion of plaintiff for summary judgment on the issue of defendants' negligence.

AMANDA L. MACHACEK for JOSEPH F. BUCCOLERI

A. PETER SNODGRASS for RONALD D. TURNER

317.0 CA 19-00754 PATRICK J. WHELAN

V

TIMOTHY G. DYSTER, M.D.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered April 16, 2019. The order denied the motion of plaintiffs to compel the further examination before trial of defendant Timothy G. Dyster, M.D.

JENNIFER L. FAY for PATRICK J. WHELAN

15 minutes

MICHAEL J. WILLETT for TIMOTHY G. DYSTER, M.D.

15 minutes