

DAY CALENDAR
Monday, May 13, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

575.0
TP 19-00276

DAVIDE COGGINS
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 February 11, 2019) 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 DAVIDE COGGINS

Submitted

LETITIA JAMES for ANTHONY ANNUCCI

Submitted

576.0
TP 19-00050

MICHAEL HENDERSON
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 January 10, 2019) to review two determinations of respondent. The determinations found after two separate tier III hearings that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for MICHAEL HENDERSON

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

577.0
TP 19-00141

CHARLES BRUCATO
V
STATE UNIVERSITY OF NY AT BUFFALO

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, Erie County [Donna M. Siwek, J.], entered January 24, 2019) to review a determination of respondent. The determination found petitioner responsible for violating certain articles of the Student Code of Conduct and imposed sanctions which included a 1½ year suspension from the University at Buffalo.

JOSHUA R. LIPPES for CHARLES BRUCATO

10 minutes

BRIAN D. GINSBERG for STATE UNIVERSITY OF NY AT BUFFALO

10 minutes

580.0
KA 15-00161

PEOPLE
V
SHALA WILLIAMS

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered November 10, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, assault in the second degree, and criminal possession of a weapon in the second degree (two counts).

JOHN R. LEWIS for SHALA WILLIAMS

15 minutes

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

10 minutes

581.0
KA 18-00728

PEOPLE
V
SHALA WILLIAMS

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Stephen J. Dougherty, J.), dated February 28, 2018. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of murder in the second degree, assault in the second degree, and criminal possession of a weapon in the second degree (two counts).

JOHN R. LEWIS for SHALA WILLIAMS

Submitted

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

Submitted

582.0
KA 17-00968

PEOPLE
V
RICHARD BAEZ

Appeal from a judgment of the Monroe County Court (Thomas R. Morse, A.J.) rendered September 29, 2016. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault (four counts), rape in the first degree, rape in the third degree, criminal sexual act in the third degree and sexual abuse in the first degree.

PAUL B. WATKINS for RICHARD BAEZ

10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

583.0
KA 18-00175

PEOPLE
V
JOSHUA M. THIBAUT

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered June 6, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree, menacing a police officer, unlawful imprisonment in the second degree, harassment in the second degree and endangering the welfare of a child.

JOHN A. CIRANDO for JOSHUA M. THIBAUT

10 minutes

V. CHRISTOPHER EAGGESTON for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

584.0
KA 16-00003

PEOPLE
V
AYOTUNJI A.

Appeal from an adjudication of the Monroe County Court (James J. Piampiano, J.), rendered October 31, 2013. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

KATHLEEN P. REARDON for AYOTUNJI A.

5 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

585.0
KA 19-00136

PEOPLE
V
JAMES BALL

Appeal from an order of the Onondaga County Court (Thomas J. Miller, J.), entered July 10, 2018. The order granted defendant's motion to dismiss the indictment.

KENNETH H. TYLER, JR. for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

MICHAEL SPANO for JAMES BALL 10 minutes

586.0
KA 17-00613

PEOPLE
V
JORGE A. FLORES RODRIGUEZ

Appeal from a judgment of the Supreme Court, Ontario County (Craig J. Doran, J.), rendered December 21, 2016. The judgment convicted defendant, upon his plea of guilty, of identity theft in the first degree, grand larceny in the third degree, attempted grand larceny in the fourth degree, grand larceny in the fourth degree (two counts), attempted grand larceny in the third degree, and petit larceny.

JOHN A. CIRANDO for JORGE A. FLORES RODRIGUEZ 10 minutes

V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF STATE OF NEW YORK 5 minutes

587.0
CAF 17-00525

In the Matter of
PATIENCE T.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered March 14, 2017 in a proceeding pursuant to Social Services Law § 384-b. The order denied respondent's motion to vacate the default judgment.

WILLIAM D. BRODERICK, JR. for CHRISTOPHER T. 10 minutes

REBECCA HOFFMAN for ERIE COUNTY DSS 5 minutes

JEFFREY M. HARRINGTON, ATTORNEY FOR CHILD 5 minutes

588.0
CA 19-00122

PETER MITCHELL
V
CITY OF GENEVA

Appeal from a final order and judgment of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered June 26, 2018. The final order and judgment granted the motion of defendants to dismiss the complaint, granted the motion of defendants to convert the motion to a motion for summary judgment, granted the motion of defendants for summary judgment, denied the motion of plaintiffs to amend the complaint and dismissed the complaint.

PETER JOHN CRAIG for PETER MITCHELL Submitted

H. TODD BULLARD for CITY OF GENEVA 15 minutes

589.0
CA 18-01336

JOHN BENDER
V
LANCASTER CENTRAL SCHOOL DISTRICT

Appeal from a judgment of the Supreme Court, Erie County (Dennis E. Ward, J.), entered June 7, 2018 in a proceeding pursuant to CPLR article 78. The judgment vacated in part and confirmed in part the arbitration decision.

VICTORIA A. GRAFFEO for LANCASTER CENTRAL SCHOOL DISTRICT 15 minutes

	BRIAN M. MELBER for JOHN BENDER	15 minutes
590.0 CA 18-02317	HELEN M. NAZARETH V JEFFREY J. BULL	SETTLED
	Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered June 26, 2018. The order, insofar as appealed from, granted the motion of plaintiffs for summary judgment on the issue of serious injury.	
	MAUREEN G. FATCHERIC for JEFFREY J. BULL	
	THOMAS J. GAFFNEY for HELEN M. NAZARETH	
591.0 CA 19-00098	In the Matter of Arbitration Between JEFFERSON COUNTY (JEFFERSON LOCAL CSEA)	
	Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered July 10, 2018. The order, inter alia, denied the petition for a permanent stay of arbitration.	
	JOHN LEE SABIK for JEFFERSON COUNTY	10 minutes
	JEREMY GINSBURG for JEFFERSON COUNTY LOCAL CIVIL SERVICE	10 minutes
592.0 CA 18-02276	GULF COAST BANK & TRUST COMPANY V BRAND CONSULTING GROUP, INC.	
	Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.) entered June 4, 2018. The order and judgment, among other things, denied defendants' motion to compel arbitration.	
	ROBERT LUSARDI for BRAND CONSULTING GROUP, INC.	15 minutes
	EDWARD D. ALTABET for GULF COAST BANK & TRUST COMPANY	15 minutes
593.0 CA 19-00019	ANTHONY LOZZI V FULLER ROAD MANAGEMENT CORPORATION	
	Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered July 26, 2018. The order, insofar as appealed from, denied the cross motion of defendants Fuller Road Management Corporation and M+W U.S., Inc., for indemnification from defendant Arrow Sheet Metal Works, Inc.	
	SANJEEV DEVABHAKTHUNI for FULLER ROAD MANAGEMENT CORP.	10 minutes
	DAVID MICHAEL GOODMAN for ARROW SHEET METAL WORKS, INC.	10 minutes
594.0 CA 18-01433	PEOPLE OF THE STATE OF NEW YORK V IVYBROOKE EQUITY ENTERPRISES, LLC	
	Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered June 27, 2018. The order and judgment, insofar as appealed from, denied petitioner's motion for summary judgment, granted the cross motion of respondent for summary judgment and dismissed the proceeding	

ROBERT M. GOLDFARB for PEOPLE OF THE STATE OF NEW YORK 10 minutes

DAVID E. GUTOWSKI for IVYBROOKE EQUITY ENTERPRISES, LLC 15 minutes

595.0
CA 18-02013

SAMANTHA M. CORSI

V

DONALD A. ALESSI, JR.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered April 18, 2018. The order granted the motion of defendant Alessi Fitness, Inc., for summary judgment, dismissed the complaint against said defendant and denied the cross motion of plaintiff for summary judgment and other relief.

J. PATRICK LENNON for SAMANTHA M. CORSI 15 minutes

RICHARD G. COLLINS for DONALD A. ALESSI, JR. Submitted

MICHAEL E. APPELBAUM for ALESSI FITNESS, INC. 15 minutes