

DAY CALENDAR
Tuesday, May 14, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

596.0
KA 17-00109

PEOPLE
V
DWIGHT J. NEWTON

Appeal from a judgment of the Jefferson County Court (James P. McClusky, J.), rendered October 28, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

CHARLES J. GREENBERG for **DWIGHT J. NEWTON**

10 minutes

KRISTYNA S. MILLS for **THE PEOPLE OF THE STATE OF NEW YORK**

Submitted

597.0
KA 17-00110

PEOPLE
V
DWIGHT J. NEWTON

Appeal from a judgment of the Jefferson County Court (James P. McClusky, J.), rendered October 28, 2016. The judgment convicted defendant, upon his plea of guilty, of forgery in the second degree.

CHARLES J. GREENBERG for **DWIGHT J. NEWTON**

Submitted

KRISTYNA S. MILLS for **THE PEOPLE OF THE STATE OF NEW YORK**

Submitted

598.0
KA 18-00525

PEOPLE
V
RAYMOND O. FOX, JR.

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered November 30, 2017. The judgment convicted defendant, upon his plea of guilty, of failure to register and failure to provide a photograph.

JOSEPH G. FRAZIER for **RAYMOND O. FOX, JR.**

Submitted

THOMAS H. BRANDT for **THE PEOPLE OF THE STATE OF NEW YORK**

Submitted

599.0
KA 16-02362

PEOPLE
V
THOMAS MURPHY

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered December 5, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree and arson in the second degree.

NICHOLAS P. DIFONZO for **THOMAS MURPHY**

Submitted

JULIE BENDER FISKE for **THE PEOPLE OF THE STATE OF NEW YORK**

Submitted

600.0
KA 13-01006

PEOPLE
V
ROBBIE C. ELMORE, SR.

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered July 13, 2012. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree (two counts), attempted criminal sexual act in the first degree, criminal sexual act in the second degree (two counts), criminal sexual act in the third degree (two counts), incest in the third degree (two counts) and intimidating a victim in the third degree.

JOHN A. CIRANDO for ROBBIE C. ELMORE, SR.

15 minutes

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

10 minutes

601.0
KA 18-00218

PEOPLE
V
LEROY FAVORS

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.); entered September 18, 2017. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

KRISTIN M. PREVE for LEROY FAVORS

Submitted

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

602.0
KA 17-00891

PEOPLE
V
KURT J. HAZZARD

Appeal from a resentence of the Lewis County Court (Daniel R. King, J.), entered December 2, 2016. Defendant was resentenced upon his conviction of incest in the third degree.

JOHN J. RASPANTE for KURT J. HAZZARD

Submitted

JOHN A. CIRANDO for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

602.1
KA 19-00649

PEOPLE
V
KURT J. HAZZARD

Appeal from a judgment of the Lewis County Court (Daniel R. King, J.), rendered August 12, 2016. The judgment convicted defendant, upon a jury verdict, of course of sexual conduct against a child and incest in the third degree (two counts).

JOHN J. RASPANTE for KURT J. HAZZARD

Submitted

JOHN A. CIRANDO for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

603.0
KA 15-02178

PEOPLE
V
JEFFREY BLUNT

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered September 16, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, conspiracy in the second degree and criminal possession of a weapon in the third degree.

DREW R. DUBRIN for JEFFREY BLUNT

10 minutes

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

604.0 CAF 17-01543	In the Matter of D'ANGEL M.-B.	<p>Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered August 24, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, terminated respondent's parental rights with respect to the subject child.</p> <p>JOHN A. CIRANDO for DONELL M.-B. 10 minutes</p> <p>YVETTE VELASCO for ONONDAGA COUNTY DSS Submitted</p> <p>ROBERT SWIFT TEMPLE, ATTORNEY FOR CHILD 10 minutes</p>
605.0 CAF 18-00374	ALICIA C. BIBBES-TURNER V DARRYL BIBBES	<p>Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered November 30, 2017 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objections to an order of the Support Magistrate which dismissed the petition with prejudice.</p> <p>THERESA JOE FERRARA for ALICIA C. BIBBES-TURNER Submitted</p> <p>DARRYL BIBBES for HIMSELF Submitted</p>
606.0 CAF 18-00372	SHEILA ANN JORDAN V CHRISTOPHER D. REED	<p>Appeal from an order of the Family Court, Cayuga County (Thomas G. Leone, J.), entered January 26, 2018 in a proceeding pursuant to Family Court Act article 4. The order, among other things, committed respondent to jail for a period of six months.</p> <p>JOHN A. CIRANDO for CHRISTOPHER D. REED 10 minutes</p> <p>SHEILA ANN JORDAN for HERSELF Submitted</p>
607.0 CAF 18-00189	In the Matter of CHASE W.	<p>Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered January 17, 2018 in a proceeding pursuant to Social Services Law § 384-b. The order granted the motion of petitioner for summary judgment and terminated the parental rights of respondent.</p> <p>CHARLES J. GREENBERG for DANIEL W. Submitted</p> <p>NICHOLAS G. LOCICERO for ERIE COUNTY DSS Submitted</p> <p>MARY ANNE CONNELL, ATTORNEY FOR THE CHILD 10 minutes</p>
608.0 CAF 18-00190	In the Matter of MAYCI W.	<p>Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered January 17, 2018 in a proceeding pursuant to Social Services Law § 384-b. The order granted the motion of petitioner for summary judgment and terminated the parental rights of respondent.</p> <p>CHARLES J. GREENBERG for DANIEL W. Submitted</p> <p>NICHOLAS G. LOCICERO for ERIE COUNTY DSS Submitted</p>

	MARY ANNE CONNELL, ATTORNEY FOR THE CHILD	Submitted
609.0 CAF 19-00262	SHELLI A. WHEELER V MICHAEL S. WHEELER	
	Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered July 24, 2018 in a proceeding pursuant to Family Court Act article 4. The order calculated the obligations of respondent for college expenses.	
	PAUL B. WATKINS for SHELLI A. WHEELER	10 minutes
	GARY MULDOON for MICHAEL S. WHEELER	10 minutes
610.0 CA 18-01950	NOWELLE BIGELOW V HAMILTON MEDICAL, INC.	
	Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered June 28, 2018. The order denied the motion of the defendant Hamilton Medical, A.G. to dismiss the complaint.	
	JAMES M. WOOLSEY, III for HAMILTON MEDICAL, A.G.	15 minutes
	JOHN C. CHERUNDOLO for NOWELLE BIGELOW	10 minutes
611.0 CA 18-02081	ALFRED-ALMOND CSD V NY44 HEALTH BENEFITS PLAN TRUST	
	Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.) entered October 4, 2018. The order, among other things, granted the motion of defendant Erie 1 Board of Cooperative Educational Services to dismiss the complaint as against it and granted the motion by defendant NY44 Heath Benefits Plan Trust and its individual trustees to dismiss certain causes of action as against them.	
	CHRISTOPHER M. MILITELLO for ALFRED-ALMOND CSD	15 minutes
	BENJAMIN F. NEIDL for ERIE 1 BOCES	Submitted
	ERIK A. GOERGEN for NY44 HEALTH BENEFITS PLAN TRUST	10 minutes
612.0 CA 18-01361	ONE FLINT ST., LLC V EXXON MOBIL CORPORATION	
	Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered February 7, 2018. The order, insofar as appealed from, granted the motions of plaintiffs and defendants Exxon Mobil Corporation and ExxonMobil Oil Corporation for partial summary judgment, determined that defendants Louis Atkin, 15 Flint Street, Inc., and Genesee Scrap & Tin Baling Co., Inc., are strictly liable as discharger under the Navigation Law and the Oil Spill Act and denied the cross motion of said defendants for summary judgment.	
	GRETA KATRIN KOLCON for GENESEE SCRAP & TIN BALING CO., INC	15 minutes
	LAURA SICLARI for EXXON MOBIL CORPORATION	15 minutes
	ALAN J. KNAUF for ONE FLINT ST., LLC	20 minutes

613.0
CA 18-00504

DARREN DAVIS
V
ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered February 22, 2018 in a CPLR article 78 proceeding. The judgment dismissed the petition.

LEAH R. NOWOTARSKI for DARREN DAVIS Submitted

LAURA ETLINGER for ANTHONY ANNUCCI Submitted

614.0
CA 18-01960

COUNTY OF SENECA
V
MAXIM DEVELOPMENT GROUP

Appeal from an amended order of the Supreme Court, Seneca County (Dennis F. Bender, A.J.) entered March 23, 2018. The amended order denied respondent's motion for summary judgment dismissing the petition and notice of foreclosure.

DIRK A. GALBRAITH for MAXIM DEVELOPMENT GROUP 10 minutes

DAVID K. ETTMAN for COUNTY OF SENECA 10 minutes

615.0
CA 19-00117

JEFFREY L. YOUNG
V
MICHAEL P. CARTER

Appeal from an order of the Supreme Court, Monroe County (Thomas A. Stander, J.), entered June 18, 2018. The order, insofar as appealed from, denied in part the motion of defendants for summary judgment.

ROY Z. ROTENBERG for MICHAEL P. CARTER 10 minutes

MATTHEW J. KAISER for JEFFREY L. YOUNG 10 minutes

616.0
CA 18-01520

GLORIA ODIORNE
V
JASCOR, INC.

Appeal from an order of the Supreme Court, Seneca County (Daniel J. Doyle, J.), entered June 7, 2018. The order granted the motion of defendant for summary judgment, dismissed the complaint and denied the cross motion of plaintiffs to strike defendant's answer.

JOHN A. CIRANDO for GLORIA ODIORNE 10 minutes

LISA M. ROBINSON for JASCOR, INC. 10 minutes

617.0
CA 18-01137

TAMMY A. CLEVELAND
V
GREGORY C. PERRY, M.D.

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.) entered May 4, 2018. The order granted defendants' motions seeking to enjoin and prohibit all parties and their attorneys from making extrajudicial statements about this action or the underlying facts in a public forum or in front of the media.

CHARLES F. BURKWIT for TAMMY A. CLEVELAND 15 minutes

JENNA W. KLUCSIK for GREGORY C. PERRY, M.D. 15 minutes

MICHAEL J. WILLETT for KALEIDA HEALTH

15 minutes

**618.0
CA 18-01138**

**TAMMY A. CLEVELAND
V
GREGORY C. PERRY, M.D.**

Appeal and cross appeals from an order of the Supreme Court, Niagara County (Frank Caruso, J.) entered May 8, 2018. The order granted in part defendants' motions for summary judgment dismissing plaintiff's complaint.

CHARLES F. BURKWIT for TAMMY A. CLEVELAND

Submitted

JENNA W. KLUCSIK for GREGORY C. PERRY, M.D.

Submitted

MICHAEL J. WILLETT for KALEIDA HEALTH

Submitted