

DAY CALENDAR
Wednesday, September 4, 2019 - 10:00 AM
COURTROOM 2

792.0
KA 19-00517

PEOPLE
V
GEOFFREY MARTIN

Appeal from a judgment of the Wayne County Court (Daniel G. Barrett, J.), rendered September 6, 2018. The judgment convicted defendant, after a nonjury trial, of forcible touching (two counts), sexual abuse in the third degree (two counts), and endangering the welfare of a child (two counts).

DAVID M. ABBATOY, JR., for GEOFFREY MARTIN **10 minutes**

R. MICHAEL TANTILLO for THE PEOPLE OF THE STATE OF NEW YORK **10 minutes**

790.0
KA 18-01539

PEOPLE
V
ANTONIO M. ANDERSON

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered May 1, 2018. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

JOSEPH G. FRAZIER for ANTONIO M. ANDERSON **Submitted**

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

791.0
KA 14-01227

PEOPLE
V
FRANK J. JUDGE

Appeal from a judgment of the Supreme Court, Monroe County (John B. Gallagher, Jr., J.), rendered May 9, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the second degree.

CATHERINE H. JOSH for FRANK J. JUDGE **5 minutes**

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK **5 minutes**

793.0
KA 15-00238

PEOPLE
V
MICHAEL MCMURTY, JR.

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered May 7, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KATHLEEN P. REARDON for MICHAEL MCMURTY, JR. **Submitted**

STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK **Submitted**

794.0
KA 16-00641

PEOPLE
V
ROBERT G. WILSON

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered February 5, 2016. The judgment convicted defendant, upon a jury verdict, of rape in the first degree, attempted strangulation in the second degree, and rape in the third degree.

	DANIELLE WILD for ROBERT G. WILSON	15 minutes
	SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
795.0 KA 18-01540	PEOPLE V ANTONIO M. ANDERSON	
	Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., A.J.), rendered May 1, 2018. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the fifth degree.	
	JOSEPH G. FRAZIER for ANTONIO M. ANDERSON	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
796.0 KA 13-01614	PEOPLE V LACIM NELSON	
	Appeal from a judgment of the Monroe County Court (Dennis S. Cohen, A.J.), rendered June 14, 2013. The judgment convicted defendant, upon a jury verdict, of attempted robbery in the first degree and attempted robbery in the second degree.	
	CARA A. WALDMAN for LACIM NELSON	10 minutes
	NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
797.0 CAF 18-00741	In the Matter of HENRY G., JR.	
	Appeal from an order of the Family Court, Monroe County (Dandrea L. Ruhlmann, J.), entered April 12, 2018 in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent Danny T. had neglected the subject children.	
	DAVID R. JUERGENS for DANNY T.	10 minutes
	PETER ANDREW ESSLEY for MONROE COUNTY DHS	5 minutes
	LORENZO NAPOLITANO, ATTORNEY FOR CHILD	5 minutes
	PAUL B. WATKINS, ATTORNEY FOR CHILD	10 minutes
798.0 CAF 19-00158	STACY FLICK V GARY J. MOSIER	
	Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered July 16, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, dismissed the petition.	
	TINA M. HAWTHORNE for STACY FLICK	10 minutes
	ROBERT R. VARIO for GARY J. MOSIER	10 minutes
	DEBORAH J. SCINTA, ATTORNEY FOR CHILD	5 minutes
799.0 CAF 18-00899	ALEXANDER WALTON-CARTER V REGINA BUTLER	

Appeal from an order of the Family Court, Monroe County (Joan S. Kohout, J.), entered April 11, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied the petition of petitioner seeking primary placement of the subject child.

CARA A. WALDMAN for ALEXANDER WALTON-CARTER

10 minutes

JOHN D. WIESER for REGINA BUTLER

Submitted

MITCHELL A. CHAIT, ATTORNEY FOR CHILD

Submitted

800.0
CAF 18-00758

KENNETH A. SHAFFER

V

TERI M. WOODWORTH

Appeal from an order of the Family Court, Orleans County (Sanford A. Church, J.), entered March 23, 2018 in a proceeding pursuant to Family Court Act article 6. The order granted petitioner supervised visitation of the subject child.

DAVID J. PAJAK for KENNETH A. SHAFFER

Submitted

LANCE J. MARK for TERI M. WOODWORTH

10 minutes

CHARLES J. PLOVANICH, ATTORNEY FOR CHILD

5 minutes

801.0
CA 18-01842

TERESSA BUTCHELLO

V

PETER J. TERHAAR, D.O.

Appeals from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, J.), entered March 29, 2018. The order, insofar as appealed from, vacated an order dismissing the case.

MARYLOU K. ROSHIA for PETER J. TERHAAR, D.O.

15 minutes

RYAN P. CRAWFORD for OLEAN GENERAL HOSPITAL

15 minutes

TERESSA BUTCHELLO for HERSELF

15 minutes

802.0
CA 18-01840

In the Matter of
THE ESTATE OF DENNIS M. CUNNINGHAM

Appeal from a memorandum and order of the Surrogate's Court, Erie County (Acea M. Mosey, S.), entered August 27, 2018. The memorandum and order denied the motion to enforce a settlement agreement.

RIANE F. LAFFERTY for DEIDRE M. CUNNINGHAM

10 minutes

JON F. MINEAR for BRENDAN CUNNINGHAM

15 minutes

803.0
CA 18-01948

JAYME A. MAST

V

GERARD A. DESIMONE

Appeal from an order of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered April 25, 2018. The order denied the motion of plaintiff to set aside a verdict.

EDWARD J. MARKARIAN for JAYME A. MAST

15 minutes

LEAH A. COSTANZO for GERARD A. DESIMONE

10 minutes

804.0
CA 19-00030

JAYME A. MAST
V
GERARD A. DESIMONE

Appeal from a judgment of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered August 8, 2018. The judgment awarded plaintiff money damages upon a jury verdict.

EDWARD J. MARKARIAN for JAYME A. MAST Submitted

LEAH A. COSTANZO for GERARD A. DESIMONE Submitted

805.0
CA 18-02130

TIMOTHY GOVENETTIO
V
DOLGENCORP OF NEW YORK, INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.) entered October 1, 2018. The order granted defendants' motions for summary judgment on the issue of negligence.

LEONARD D. ZACCAGNINO for TIMOTHY GOVENETTIO 10 minutes

KEVIN LOFTUS for DOLGENCORP OF NEW YORK, INC. 10 minutes

ROBERT A. CRAWFORD, JR., for KIMBERLY FITZGERALD 10 minutes

806.0
CA 19-00475

KELLY DEBOSE
V
NIAGARA FRONTIER TRANSIT AUTHORITY

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 31, 2018. The order, among other things, dismissed all of plaintiff's claims except for plaintiff's claim for assault and battery.

NELSON S. TORRE for KELLY DEBOSE 10 minutes

MEGHAN M. BROWN for NIAGARA FRONTIER TRANSIT AUTHORITY 10 minutes

807.0
CA 18-02295

JOSEPH ADDEO
V
CLARIT REALTY LTD.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered October 1, 2018. The order denied the respective motions of the parties for summary judgment

DENNIS R. MCCOY for CLARIT REALTY LTD. 15 minutes

TIMOTHY M. HUDSON for JOSEPH ADDEO 15 minutes

808.0
CA 19-00437

JACQUELINE ROSE
V
NEW YORK CENTRAL MUTUAL FIRE

Appeal and cross appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.) entered August 21, 2018. The order denied in part defendant's motion for summary judgment and denied plaintiffs' cross motion for summary judgment.

CHRISTOPHER MATTHEW BERLOTH for JACQUELINE ROSE 10 minutes

JAMES GRABER for NEW YORK CENTRAL MUTUAL FIRE 10 minutes

809.0
CA 18-01632

RETA WALKER
V
JOSEPH A. CARUANA, M.D.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered December 7, 2017. The order, insofar as appealed from, granted the motion of defendant Catholic Health System, doing business as Sisters Hospital of Buffalo, for summary judgment and dismissed the complaint against said defendant.

ANNE BELTZ RIMMLER for RETA WALKER 15 minutes

JASON T. BRITT for CATHOLIC HEALTH SYSTEM 10 minutes

810.0
CA 19-00103

JEANNETTE GIAMBRONE
V
NIAGARA MOHAWK POWER CORPORATION

Appeal and cross appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered October 1, 2018. The order denied defendants' motion for summary judgment and denied the cross motion of plaintiffs Jeannette C. Giambrone and Nino E. Giambrone for partial summary judgment on the issue of negligence.

DENNIS R. MCCOY for NIAGARA MOHAWK POWER CORPORATION 15 minutes

JOHN A. COLLINS for JEANNETTE GIAMBRONE 15 minutes

ANGELO CAPALBO for NATIONWIDE MUTUAL INSURANCE COMPANY 10 minutes

811.0
CA 19-00104

JEANNETTE GIAMBRONE
V
NIAGARA MOHAWK POWER CORPORATION

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered October 1, 2018. The order denied defendants' motion for sanctions against plaintiffs pursuant to CPLR 3126.

DENNIS R. MCCOY for NIAGARA MOHAWK POWER CORPORATION Submitted

JOHN A. COLLINS for JEANNETTE GIAMBRONE Submitted

ANGELO CAPALBO for NATIONWIDE MUTUAL INSURANCE COMPANY Submitted

811.1
CAE 19-01228

MICHAEL J. HENNESSY
V
BOARD OF ELECTIONS OF CO. OF ONEIDA

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered May 28, 2019, in a proceeding pursuant to the Election Law. The order adjudged that the petitions filed on behalf of Michael Hennessy designating him as the candidate of the Democratic Party in the 2019 election for the Office of Oneida County Executive be deemed qualified and accepted by the Board of Elections and that he be declared a duly qualified candidate of the Democratic Party for the Office of Oneida County Executive.

ANDREW L. PRESTON for JAMES GENOVESE 10 minutes

KEVIN P. RYAN for MICHAEL J. HENNESSY 10 minutes

ROBERT PRONTEAU for BOARD OF ELECTIONS OF CO. OF ONEIDA 10 minutes