

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

906.0
TP 19-00341

IRRON JOHNSON
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court for the Fourth Judicial Department by order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered February 19, 2019) to review a determination of respondent. The determination found, after a Tier III hearing, that petitioner violated an inmate rule.

ADAM W. KOCH for IRRON JOHNSON Submitted

LETITIA JAMES for ANTHONY ANNUCCI Submitted

909.0
KA 17-00185

PEOPLE
V
JAMES JONES, JR.

Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered November 22, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

TIMOTHY P. MURPHY for JAMES JONES, JR. Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

910.0
KA 18-01888

PEOPLE
V
JERMAINE HABEEB

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered June 17, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

SCOTT RIORDAN for JERMAINE HABEEB 10 minutes

MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

911.0
KA 18-01889

PEOPLE
V
JERMAINE HABEEB

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered June 17, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree and bail jumping in the second degree.

SCOTT RIORDAN for JERMAINE HABEEB Submitted

MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

912.0
KA 19-00521

PEOPLE
V
JACHAI TURNER

Appeal from a judgment of the Erie County Court (Kenneth Case, J.), rendered September 14, 2018. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

THOMAS J. EOANNOU for JACHAI TURNER

10 minutes

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

913.0
KA 16-02024

PEOPLE
V
RICKIE R. SCOTT

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), dated August 29, 2016. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of murder in the second degree, criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

MICHAEL STACHOWSKI for RICKIE R. SCOTT

15 minutes

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK

15 minutes

914.0
CAF 18-01461

ANN GONZALEZ
V
BRENDEN BEBEE

Appeal from an order of the Family Court, Wayne County (Richard M. Healy, J.), entered June 6, 2018, in a proceeding pursuant to Family Court article 4. The order, inter alia, sentenced respondent to jail for contempt of court.

ROBERT A. DINERI for BRENDEN BEBEE

15 minutes

ANN GONZALEZ for HERSELF

Submitted

915.0
CAF 18-00060

KENDALL STEENO
V
HILLARY SZYDLOWSKI

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered December 11, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded the parties joint custody of the subject child with petitioner being the primary residential custodian.

WILLIAM D. BRODERICK, JR., for HILLARY SZYDLOWSKI

10 minutes

ROSS S. GELBER for KENDALL STEENO

Submitted

RICHARD L. SULLIVAN, ATTORNEY FOR CHILD

Submitted

916.0
CAF 18-02286

RAFAEL ADORNO
V
YAIMEL VAILLANT

Appeal from an order of the Family Court, Erie County (Deanne M. Trippi J.), entered October 23, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, designated petitioner as the primary residential parent.

DEBORAH J. SCINTA for YAIMEL VAILLANT

5 minutes

	ELIZABETH J. CIAMBRONE for RAFAEL ADORNO	Submitted
	EMILY A. VELLA. ATTORNEY FOR CHILD	10 minutes
917.0 CAF 18-00435	In the Matter of FREDERICKA S.	
	Appeal from an order of the Family Court, Erie County (Sharon LoVallo, J.), entered February 21, 2018 in a proceeding pursuant to Social Services Law § 384-b. The order terminated respondent's parental rights with respect to the subject children.	
	DAVID J. PAJAK for JOLANDA S.	Submitted
	NICHOLAS G. LOCICERO for ERIE COUNTY DSS	Submitted
	RICHARD L. SULLIVAN, ATTORNEY FOR CHILD	Submitted
	MELISSA A. CAVAGNARO, ATTORNEY FOR CHILD	5 minutes
918.0 CA 19-00309	PAULINE A. BEAGLE V CITY OF BUFFALO	
	Appeal from an order of the Supreme Court, Erie County (Dianne Y. Devlin, J.), entered July 26, 2018. The order granted the motion of defendants John Gikas, Sam Gikas and Milkie's on Elmwood, Inc., for summary judgment, dismissed the complaint and all cross claims against said defendants and denied the cross motion of defendant City of Buffalo for summary judgment.	
	J. CHRISTINE CHIRIBOGA for CITY OF BUFFALO	15 minutes
	ELLEN B. STURM for PAULINE A. BEAGLE	10 minutes
	KEVIN D. WALSH for JOHN GIKAS	15 minutes
919.0 CA 19-00121	COLIN BRINSON V MELISSA BRINSON	
	Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Frederick Marshall, J.), entered March 23, 2018. The order and judgment, among other things, awarded plaintiff Colin Brinson a money judgment against defendant Melissa Brinson in the amount of \$35,851.38.	
	TINA M. HAWTHORNE for MELISSA BRINSON	10 minutes
	DEBORAH J. SCINTA for COLIN BRINSON	10 minutes
920.0 CA 19-00375	KYLE GEHRKE V MUSTANG SALLY'S SPIRITS AND GRILL	
	Appeal and cross appeal from an order of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.) entered December 21, 2018. The order denied defendants' motion for summary judgment and denied in part plaintiff's cross-motion for summary judgment.	
	KEITH N. BOND for MUSTANG SALLY'S SPIRITS AND GRILL	15 minutes
	JAMES M. VANDETTE for KYLE GEHRKE	10 minutes

921.0
CA 19-00711

EUGENE L. PIERCE
V
TIMOTHY B. HOWARD

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Mark A. Montour, J.), entered November 21, 2018 in a proceeding pursuant to CPLR article 78. The order and judgment granted the petition.

JEREMY C. TOTH for TIMOTHY B. HOWARD 10 minutes

ANNA MARIE RICHMOND for EUGENE L. PIERCE 10 minutes

922.0
CA 19-00186

PHILIP J. VALVO SETTLED
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (J. David Sampson, J.), entered May 11, 2018. The judgment entered upon a non-jury trial, among other things, adjudged that defendant violated Labor Law § 240 (1) and the violation was the proximate cause of plaintiff's injuries.

PAUL D. MCCORMICK for STATE OF NEW YORK

JOHN A. COLLINS for PHILIP J. VALVO

923.0
CA 19-00700

VICTORIA C. ARMSTRONG
V
UNITED FRONTIER MUTUAL INSURANCE CO.

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered October 1, 2018. The order granted the motion of defendant for summary judgment, dismissed the complaint and denied the cross motions of plaintiff for summary judgment and to amend her complaint.

KEVIN T. STOCKER for VICTORIA C. ARMSTRONG 10 minutes

MARCO CERCONE for UNITED FRONTIER MUTUAL INSURANCE CO. 10 minutes

924.0
CA 19-00099

MARK J. DZIADASZEK
V
LEGACY STRATFORD, LLC

Appeal from an order of the Supreme Court, Erie County (Emilio Colaiaacovo, J.), entered July 17, 2018. The order, insofar as appealed from, granted the motions of defendants Legacy Stratford, LLC, FAC Downtown, LLC, and Legacy Building Co., LLC, and defendants Algrecos Scotsman, LLC, and Williams Scotsman, Inc., for summary judgment and denied the cross motion of plaintiffs' cross motion for summary judgment.

EDWARD J. MARKARIAN for MARK J. DZIADASZEK 15 minutes

SHARON ANGELINO for LEGACY STRATFORD, LLC 15 minutes

925.0
CA 19-00522

ANN MCFEELY
V
MERCY HOSPITAL OF BUFFALO

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.) entered December 21, 2018. The order, among other things, denied defendants' motion for summary judgment.

DAVID MICHAEL STILLWELL for MERCY HOSPITAL OF BUFFALO 10 minutes

EDWARD J. MARKARIAN for ANN MCFEELY

10 minutes

926.0
CA 18-01772

VIOLET REALTY, INC.

V

AMIGONE, SANCHEZ & MATTREY, LLP

Appeal and cross appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered September 4, 2018. The order and judgment, insofar as appealed from, granted in part and denied in part the motion of plaintiff for summary judgment and granted in part and denied in part the motion of defendant for summary judgment.

JOHN GEORGE SCHMIDT, JR., for VIOLET REALTY, INC.

10 minutes

STEVEN W. WELLS for AMIGONE, SANCHEZ & MATTREY, LLP

15 minutes

927.0
CA 19-00439

VIOLET REALTY, INC.

V

AMIGONE, SANCHEZ & MATTREY, LLP

Appeal from a statement for judgment of the Supreme Court, Erie County (Henry J. Nowak, J.), entered September 6, 2018. The statement for judgment awarded plaintiff money damages.

JOHN GEORGE SCHMIDT, JR., for VIOLET REALTY, INC.

Submitted

STEVEN W. WELLS for AMIGONE, SANCHEZ & MATTREY, LLP

Submitted