

DAY CALENDAR
Wednesday, September 11, 2019 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

928.0
KA 19-00221

PEOPLE
V
JASON B. KORTS

Appeal from an order of the Livingston County Court (Dennis M. Cohen, J.), dated July 12, 2018. The order determined defendant to be a level two risk pursuant to the Sex Offender Registration Act.

MICHAEL PAUL SCIBETTA for JASON B. KORTS Submitted

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

929.0
KA 16-00660

PEOPLE
V
DANIEL J. RICHARDS

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered April 13, 2016. The judgment convicted defendant, upon a jury verdict, of attempted arson in the second degree and aggravated harassment in the second degree.

JOHN A. CIRANDO for DANIEL J. RICHARDS 15 minutes

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

930.0
KA 17-00914

PEOPLE
V
WILLIAM A. VALERIO

Appeal from a decision and order of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), entered March 17, 2017. The decision and order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10.

NATHANIEL V. RILEY for WILLIAM A. VALERIO 15 minutes

BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

931.0
KA 17-00439

PEOPLE
V
MOUSSA BABAGANA

Appeal from a judgment of the Supreme Court, Erie County Court (John L. Michalski, J.), rendered March 31, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree (two counts).

LYLE T. HAJDU for MOUSSA BABAGANA Submitted

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

932.0
KA 16-01594

PEOPLE
V
TAMMY HINES

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered June 3, 2016. The judgment convicted defendant, upon a jury verdict, of grand larceny in the fourth degree.

DIANNE C. RUSSELL for TAMMY HINES 10 minutes

933.0 KA 15-01965	<p>KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes</p> <p>PEOPLE V DEVONTE E. BURTON</p> <p>Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered September 9, 2015. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree.</p> <p>A. VINCENT BUZARD for DEVONTE E. BURTON 10 minutes</p> <p>LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes</p>
934.0 KA 17-00296	<p>PEOPLE V DANIEL M. SWANK</p> <p>Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered June 27, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.</p> <p>JOHN A. CIRANDO for DANIEL M. SWANK 10 minutes</p> <p>AMY HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes</p>
936.0 CA 18-01467	<p>PROLINE CONCRETE OF WNY, INC. V G.M. CRISALLI & ASSOCIATES, INC.</p> <p>Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered August 9, 2018. The order, among other things, granted plaintiff's motion for summary judgment and awarded plaintiff a money judgment.</p> <p>EDWARD SHEATS for G.M. CRISALLI & ASSOCIATES, INC. 15 minutes</p> <p>GEFFREY GISMONDI for PROLINE CONCRETE OF WNY, INC. 5 minutes</p>
937.0 CA 19-00650	<p style="text-align: center;">SETTLED</p> <p>DALE NOBLE V VILLAGER CONSTRUCTION, INC.</p> <p>Appeal from an amended decision, order and judgment of the Supreme Court, Monroe County (William K. Taylor, J.), entered December 24, 2018. The amended decision, order and judgment, insofar as appealed from, granted the motion of third-party defendant for summary judgment and dismissed the third-party complaint.</p> <p>ELIZABETH M. BERGEN for VILLAGER CONSTRUCTION, INC.</p> <p>MATTHEW A. LENHARD for M.J. DREHER TRUCKING, INC.</p>
938.0 CA 19-00382	<p>SRP 2012-4, LLC V CYNTHIA L. CHAN</p> <p>Appeal from an order of the Supreme Court, Erie County (Frank A. Sedita, III, J.), entered September 13, 2018. The order, inter alia, granted summary judgment to Cynthia Chan and Catherine Amdur and dismissed the foreclosure action.</p> <p>DANIEL H. RICHLAND for SRP 2012-4, LLC 15 minutes</p>

KEISHA WILLIAMS for CYNTHIA L. CHAN 10 minutes

VANESSA ELLIOTT for CATHERINE AMDUR 15 minutes

939.0
CA 18-02371

CITY OF ROCHESTER
V
THOMAS C. TURNER

Appeal from a decision and order of the Monroe County Court (Douglas A. Randall, J.), entered May 24, 2018. The decision and order reversed an order of the Rochester City Court granting discontinuance without prejudice.

MICHAEL A. BURGER for THOMAS C. TURNER 5 minutes

JOHN M. CAMPOLIETO for CITY OF ROCHESTER 5 minutes

940.0
CA 18-01085

GARY E. WARREN
V
E.J. MILITELLO CONCRETE, INC.

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Donna M. Siwek, J.) entered August 18, 2017. The order and judgment granted the motion of defendant Verizon New York, Inc., for summary judgment dismissing plaintiffs' complaint as against it.

CATHERINE B. FOLEY for GARY E. WARREN Submitted

THOMAS JOSEPH SPEYER for E.J. MILITELLO CONCRETE, INC. 15 minutes

MATTHEW C. LENAHAN for DESTRO & BROTHERS CONCRETE CO. 15 minutes

JAMES J. NASH for HATCH MOTT MACDONALD NY, INC. 15 minutes

JEFFREY T. WOLBER for VERIZON NEW YORK INC. 15 minutes

941.0
CA 18-01821

GARY E. WARREN
V
E.J. MILITELLO CONCRETE, INC.

Appeals from an order of the Supreme Court, Erie County (Donna M. Siwek, J.) entered August 30, 2018. The order, among other things, denied the motions of defendants Hatch Mott MacDonald NY, Inc. and E.J. Militello Concrete, Inc, for summary judgment and denied the cross motion of defendant Destro & Brothers Concrete Company, Inc. for indemnification.

THOMAS JOSEPH SPEYER for E.J. MILITELLO CONCRETE, INC. Submitted

MATTHEW C. LENAHAN for DESTRO & BROTHERS CONCRETE CO. Submitted

JAMES J. NASH for HATCH MOTT MACDONALD NY, INC. Submitted

CATHERINE B. FOLEY for GARY E. WARREN Submitted

942.0
CA 19-00123

ALICIA S. CALAGIOVANNI
V
VINCENT T. CARELLO

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered January 7, 2019. The order denied the motion of defendants Jake Hafner's Tavern Inc. and Jake Hafner's Restaurant & Tavern for summary judgment.

MATTHEW J. LARKIN for JAKE HAFNER'S TAVERN, INC. 15 minutes

JEAN MARIE WESTLAKE for ALICIA S. CALAGIOVANNI

10 minutes

BRIDGET M. TALERICO for VINCENT T. CARELLO

10 minutes

943.0
CA 19-00603

MARY CATHERINE FITZPATRICK

SETTLED

V

YOUNG MEN'S CHRISTIAN ASSOCIATION

Appeal from an order of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered February 22, 2019. The order denied defendant's motion for summary judgment.

MICHAEL E. FERDMAN for YOUNG MEN'S CHRISTIAN ASSOCIATION

JEANNE M. VINAL for MARY CATHERINE FITZPATRICK

944.0
CA 19-00422

HECTOR A. HERNANDEZ

V

DENNY'S CORPORATION

Appeal and cross appeal from a decision and order of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered August 24, 2018. The decision and order, inter alia, granted in part the motion of plaintiff for summary judgment.

ERIN GEORGE MEAD for GILLS 04, INC.

10 minutes

NELSON S. TORRE for HECTOR A. HERNANDEZ

10 minutes

945.0
CA 18-02027

CRYSTAL MORROW

V

METLIFE INVESTORS INSURANCE COMPANY

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered April 19, 2018. The order, among other things, denied in part defendants Metlife Investors Insurance Company and Juan "Jin" Zhou's motion to dismiss and/or for summary judgment.

CHRISTOPHER J. SEUSING for METLIFE INVESTORS INS. CO.

10 minutes

LOUIS ROSADO for CRYSTAL MORROW

Submitted

LAURIE STYKA BLOOM for KEN WILSON

Submitted

945.1
CA 19-01589

CRYSTAL MORROW

V

METLIFE INVESTORS INSURANCE COMPANY

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered April 19, 2018. The order, among other things, denied in part defendants Metlife Investors Insurance Company and Juan "Jin" Zhou's motion to dismiss and/or for summary judgment.

CHRISTOPHER J. SEUSING for METLIFE INVESTORS INS. CO.

Submitted

LOUIS ROSADO for CRYSTAL MORROW

Submitted

LAURIE STYKA BLOOM for KEN WILSON

Submitted

946.0
CA 19-00013

VULCRAFT OF NEW YORK, INC.
V
SOLVAY IRON WORKS, INC.

Appeal and cross appeal from an order and judgment (one paper) of the Supreme Court, Oswego County (James W. McCarthy, J.) entered July 27, 2018. The order and judgment, among other things, denied defendant Fidelity and Deposit Company of Maryland's motion for summary judgment.

JORDAN R. PAVLUS for FIDELITY AND DEPOSIT COMPANY OF MAR 15 minutes

CHRISTOPHER A. CARDILLO for VULCRAFT OF NEW YORK, INC. 10 minutes

947.0
CA 18-02114

DAVID SCHEER
V
ELAM SAND & GRAVEL CORP.

Appeal and cross appeal from an order of the Supreme Court, Wayne County (Matthew A. Rosenbaum, J.) entered October 18, 2018. The order granted that part of defendant's motion seeking to dismiss plaintiff's complaint and denied that part of defendant's motion seeking to recover legal fees, costs and disbursements associated with this action.

SCOTT M. MOONEY for DAVID SCHEER 10 minutes

F. MICHAEL OSTRANDER for ELAM SAND & GRAVEL CORP. 10 minutes

948.0
CA 19-00444

RACHEL KUECHLE
V
EVANDER KANE

SETTLED

Appeal and cross appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered October 25, 2018. The order granted in part and denied in part the motion of plaintiff to strike defendant's counterclaim and denied the motion of plaintiff for sanctions.

SAMUEL J. CAPIZZI for RACHEL KUECHLE

JOHN A. COLLINS for EVANDER KANE