

**DAY CALENDAR**  
**Wednesday, September 4, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

769.0  
KA 18-00364

**PEOPLE**  
**V**  
**DENNIS T. SMITH**

Appeal from a judgment of the Niagara County Court (Richard C. Kloch, Sr., A.J.), rendered August 1, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the third degree.

**THERESA L. PREZIOSO for DENNIS T. SMITH** Submitted

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

770.0  
KA 19-00431

**PEOPLE**  
**V**  
**RADU TURNER**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered July 14, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a controlled substance in the third degree.

**JOHN A. CIRANDO for RADU TURNER** 10 minutes

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

771.0  
KA 15-02022

**PEOPLE**  
**V**  
**MORGAN TETRO**

Appeal from a judgment of the Oswego County Court (Walter W. Hafner, Jr., J.), rendered October 23, 2015. The judgment convicted defendant, upon a jury verdict, of grand larceny in the second degree, welfare fraud in the fourth degree, grand larceny in the third degree, offering a false instrument for filing in the first degree (two counts) and criminal tax fraud in the fourth degree (two counts).

**JARROD W. SMITH for MORGAN TETRO** 15 minutes

**LISA FLEISCHMANN for THE PEOPLE OF THE STATE OF NEW YORK** 15 minutes

772.0  
KA 17-00892

**PEOPLE**  
**V**  
**WILLIAM REDDICK**

Appeal from a judgment of the Onondaga County Court (Robert L. Bauer, A.J.), rendered March 24, 2017. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree (three counts).

**PHILIP ROTHSCHILD for WILLIAM REDDICK** 10 minutes

**NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK** 10 minutes

773.0  
KA 16-02103

**PEOPLE**  
**V**  
**SARAH FERGUSON**

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered September 1, 2016. The judgment convicted defendant, upon a nonjury verdict, of manslaughter in the first degree, assault in the first degree (two counts) and gang assault in the first degree (two counts).

	PETER J. DIGIORGIO, JR., for SARAH FERGUSON	15 minutes
	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
774.0 KA 18-00365	<b>PEOPLE</b> V <b>DENNIS T. SMITH</b>	
	Appeal from a judgment of the Niagara County Court (Richard C. Kloch, Sr., A.J.), rendered August 1, 2017. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree.	
	THERESA L. PREZIOSO for DENNIS T. SMITH	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
775.0 KA 18-00695	<b>PEOPLE</b> V <b>MICHAEL LABADEE</b>	
	Appeal from a judgment of the Yates County Court (Jason L. Cook, J.), rendered December 19, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.	
	JOHN A. CIRANDO for MICHAEL LABADEE	10 minutes
	R. MICHAEL TANTILLO for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
776.0 CAF 18-01199	<b>In the Matter of</b> <b>BRIANNA B.</b>	
	Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered May 18, 2018. The order adjudged that the pending petition for adoption of the subject child may proceed without the consent of respondent Shacoya L.	
	PETER J. DIGIORGIO, JR., for SHACOYA L.	15 minutes
	VINCENT J. ROSSI, JR., for SWAZETTE S.	10 minutes
	THOMAS F. O'BRIEN for STACEY B.	Submitted
	PAUL A. NORTON, ATTORNEY FOR CHILD	Submitted
777.0 CAF 18-00298	<b>STEPHANIE LIN ROSENDAHL</b> V <b>RICHARD ALLEN WINN, III</b>	
	Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered November 14, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied the petition seeking a modification of custody.	
	MICHAEL G. CIANFARANO for STEPHANIE LIN ROSENDAHL	15 minutes
	RICHARD ALLEN WINN, III, for HIMSELF	Submitted
	ANTHONY J. DIMARTINO, JR., ATTORNEY FOR CHILD	15 minutes
778.0 CAF 18-01132	<b>RUSSELL R.</b> V <b>ONEIDA COUNTY DSS</b>	

Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, J.), entered March 6, 2018 in a proceeding pursuant to Family Court Act article 4. The order denied the petition seeking to reopen an order of filiation dated June 7, 1999

PETER J. DIGIORGIO, JR., for RUSSELL R. Submitted

DENISE J. MORGAN for ONEIDA COUNTY DSS Submitted

779.0  
CAF 18-00056

CASEY KELLER  
V  
JESSICA M. KELLER

Appeal from an order of the Family Court, Onondaga County (Karen J. Stanislaus, R.), entered November 29, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal and physical custody of the subject child.

JOHN A. CIRANDO for JESSICA M. KELLER 10 minutes

STUART JAMES LAROSE for CASEY KELLER 10 minutes

MICHAEL J. KERWIN, ATTORNEY FOR CHILD 10 minutes

780.0  
CA 19-00503

JESICA LEONARD  
V  
MOTOR VEHICLE ACCIDENT INDEMNIFICATION

Appeal from an order of the Supreme Court, Monroe County (Debra A. Martin, A.J.), dated September 12, 2018. The order granted petitioner's application for leave to serve a late notice of claim upon the respondent.

WILLIAM S. BADURA for MOTOR VEHICLE ACCIDENT INDEMNIFICATION 10 minutes

JASON ABBOTT for JESICA LEONARD 10 minutes

781.0  
CA 18-02231

DONNA E. WHITE  
V  
LAURENCE A. CONNORS

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered November 15, 2018. The order, insofar as appealed from, denied the motion of defendants David P. Grice and Katlyn M. Grice for summary judgment.

SIDNEY P. COMINSKY for DONNA E. WHITE Submitted

DAVID HENRY WALSH, IV for DAVID P. GRICE 15 minutes

KEITH D. MILLER for LAWRENCE A. CONNORS 10 minutes

ANNA ROBBINS for PHILIP CLAYTON 15 minutes

782.0  
OP 18-02035

ANDIS R. ZELTINS  
V  
HON. JASON L. COOK

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to annul a determination of respondent. The determination denied the application of petitioner for a pistol permit.

BRIAN T. STAPLETON for ANDIS R. ZELTINS Submitted

WILLIAM E. STORRS for HON. JASON L. COOK Submitted

783.0  
CA 18-00037

**JOSEPH S.**  
**V**  
**STATE OF NEW YORK**

Appeal from an order of the Supreme Court, Oneida County (Charles C. Merrell, J.), entered December 4, 2017. The order, inter alia, committed petitioner to a secure treatment facility.

GUY A. TALIA for JOSEPH S. 10 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK 10 minutes

784.0  
TP 19-00440

**ANTHONY PUGLIESE**  
**V**  
**HOWARD ZUCKER**

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, Onondaga County [Gregory R. Gilbert, J.], entered December 11, 2018) to review a determination of respondent. The determination denied petitioner's application for Chronic Care Medical Assistance benefits.

ANTHONY A. MARRONE, II, for ANTHONY PUGLIESE 10 minutes

JONATHAN D. HITSOUS for HOWARD ZUCKER 10 minutes

785.0  
CA 18-01778

**CONSTELLATION ENERGY GROUP**  
**V**  
**RODNEY J. WRAY**

Appeal from a judgment of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered February 22, 2018. The judgment awarded plaintiff money damages upon a nonjury verdict.

FRANK T. HOUSH for RODNEY J. WRAY 15 minutes

JOHN A. CIRANDO for CONSTELLATION ENERGY GROUP 10 minutes

786.0  
CA 18-01304

**STEPHEN FOX**  
**V**  
**TOWN OF GENEVA ZBA**

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Ontario County (Frederick G. Reed, A.J.) entered May 7, 2018 in a CPLR article 78 proceeding. The judgment, among other things, dismissed the first cause of action alleged in the verified petition/complaint.

JOHN A. MANCUSO for STEPHEN FOX 15 minutes

DAVID HENRY WALSH, IV for TOWN OF GENEVA ZBA 15 minutes

787.0  
CA 19-00450

**STEPHEN FOX**  
**V**  
**TOWN OF GENEVA ZBA**

Appeal from a judgment (denominated order) of the Supreme Court, Ontario County (Frederick G. Reed, A.J.) entered February 11, 2019 in a CPLR article 78 proceeding. The judgment denied petitioner's motion to renew.

JOHN A. MANCUSO for STEPHEN FOX Submitted

DAVID HENRY WALSH, IV for TOWN OF GENEVA ZBA

Submitted

788.0  
CA 19-00372

**BENEFICIAL HOMEOWNER SERVICE CORP.**  
V  
**KEYBANK NATIONAL ASSOCIATION**

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered September 24, 2018. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment.

CHAD W. FLANSBURG for BENEFICIAL HOMEOWNER SERVICE CORP.

10 minutes

KEITH B. CAUGHLIN for ROBERT E. LAKE

10 minutes

789.0  
CA 18-01477

**NOWELLE BIGELOW**  
V  
**HAMILTON MEDICAL, INC.**

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered July 30, 2018. The order denied the motions of the defendants Michael L. Kirsch, M.D., James Stoughton, M.D., and our Lady of Lourdes Memorial Hospital, Inc., for summary judgment.

JAMES S. GLEASON for MICHAEL L. KIRSCH, M.D.

10 minutes

CARYN ELISE LILLING for JAMES STOUGHTON, M.D.

15 minutes

PETER C. PAPAYANAKOS for NOWELLE BIGELOW

15 minutes

JAMES M. WOOLSEY, III for HAMILTON MEDICAL, INC.

15 minutes

JOSEPH M. SPADOLA for HOLLY PAYNE, RT

10 minutes

789.1  
CAE 19-01477

**ROCHESTER CITY SCHOOL DISTRICT**  
V  
**CITY OF ROCHESTER**

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered August 2, 2019 in a proceeding pursuant to CPLR article 78. The order and judgment, among other things, granted the verified petition; declared that Local Law No. 4 is invalid and that the ensuing Referendum is a void advisory referendum; and issued a permanent injunction barring the advisory referendum from being included on the ballot for the November General Election.

PATRICK N. BEATH for CITY OF ROCHESTER

10 minutes

ALISON K.L. MOYER for ROCHESTER CITY SCHOOL DISTRICT

10 minutes

**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	<b>PEOPLE</b> V <b>ANTONIO M. ANDERSON</b>	
	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	<b>PEOPLE</b> V <b>LACIM NELSON</b>	
	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	<b>In the Matter of</b> <b>HENRY G., JR.</b>	
	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	<b>STACY FLICK</b> V <b>GARY J. MOSIER</b>	
	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	<b>ALEXANDER WALTON-CARTER</b> V <b>REGINA BUTLER</b>	

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

**DAY CALENDAR**  
**Thursday, September 5, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**812.0**  
**KA 17-00502**

**PEOPLE**  
**V**  
**JESSICA R. SOBLE**

Appeal from a judgment of the Monroe County Court (Christopher S. Ciaccio, J.), rendered January 11, 2017. The judgment convicted defendant, upon her plea of guilty, of manslaughter in the first degree.

**KIMBERLY J. CZAPRANSKI for JESSICA R. SOBLE** **Submitted**

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

**814.0**  
**KA 18-00107**

**PEOPLE**  
**V**  
**DAVID ORTEGA**

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered December 21, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

**JOHN A. CIRANDO for DAVID ORTEGA** **10 minutes**

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

**815.0**  
**KA 14-00761**

**PEOPLE**  
**V**  
**JEFFREY J. DIBBLE**

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered January 16, 2014. The judgment convicted defendant, upon a non jury verdict, of attempted aggravated assault upon a police officer, attempted criminal possession of a weapon in the second degree, attempted robbery in the third degree, attempted menacing of a police officer and attempted escape in the third degree.

**LINDA M. CAMPBELL for JEFFREY J. DIBBLE** **15 minutes**

**JEFFREY L. TAYLOR for THE PEOPLE OF THE STATE OF NEW YORK** **15 minutes**

**816.0**  
**KA 15-00845**

**PEOPLE**  
**V**  
**JEFFREY J. DIBBLE**

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered February 11, 2015. The judgment convicted defendant, upon his plea of guilty, of driving while ability impaired and menacing a police officer, as a felony.

**LINDA M. CAMPBELL for JEFFREY J. DIBBLE** **Submitted**

**JEFFREY L. TAYLOR for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**817.0**  
**KA 17-00460**

**PEOPLE**  
**V**  
**JEFFREY J. DIBBLE**

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered February 11, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree.

LINDA M. CAMPBELL for JEFFREY J. DIBBLE Submitted

JEFFREY L. TAYLOR for THE PEOPLE OF THE STATE OF NEW YORK Submitted

818.0  
KA 17-01668

PEOPLE  
V  
JEFFREY DIBBLE

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Ontario County Court (Frederick G. Reed, A.J.), dated July 7, 2017. The order denied the motion of defendant to vacate judgments of convictions pursuant to CPL 440.10.

LINDA M. CAMPBELL for JEFFREY DIBBLE Submitted

JEFFREY L. TAYLOR for THE PEOPLE OF THE STATE OF NEW YORK Submitted

819.0  
KA 16-02164

PEOPLE  
V  
ROBERT D. LEWIS, SR.

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered October 26, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the first degree.

JOHN A. CIRANDO for ROBERT D. LEWIS, SR. 15 minutes

JAMES B. RITTS for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

820.0  
KA 17-01780

PEOPLE  
V  
INALIA ROLLDAN

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered December 21, 2016. The judgment convicted defendant, upon a jury verdict, of kidnapping in the second degree (two counts), criminal use of a firearm in the first degree, criminal possession of a weapon in the third degree, and criminal possession of a weapon in the fourth degree.

LINDSEY M. PIEPER for INALIA ROLLDAN Submitted

LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

821.0  
KA 16-02170

PEOPLE  
V  
COREY ROHADFOX

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered October 13, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.

WILLIAM CLAUSS for COREY ROHADFOX 10 minutes

DARIENN P. BALIN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

822.0  
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

823.0  
CA 18-01281

**BRIAN BROWDER**  
**V**  
**NYS OFFICE OF CHILDREN AND FAMILY SERVS.**

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered June 12, 2018 in a CPLR article 78 proceeding. The judgment dismissed the petition.

BRIAN BROWDER for HIMSELF Submitted

LAURA ETLINGER for NYS OFFICE OF CHILDREN AND FAMILY SERVS. Submitted

824.0  
CA 19-00502

**THOMAS CZECHOWSKI**  
**V**  
**BUFFALO NIAGARA MEDICAL CAMPUS, INC.**

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered September 10, 2018. The order, insofar as appealed from, limited certain depositions.

ANNE M. WHEELER for THOMAS CZECHOWSKI 10 minutes

JOHN WALLACE for BUFFALO NIAGARA MEDICAL CAMPUS, INC. Submitted

DAVID RAY ADAMS for ARIA CONTRACTING CORP. 10 minutes

826.0  
CA 18-01253

**PAULA L. GIBBS**  
**V**  
**STATE FARM FIRE AND CASUALTY COMPANY**

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered May 18, 2018. The order denied the motion of plaintiff for a stay of all proceedings.

PAULA L. GIBBS for HERSELF Submitted

ROY ALBERT MURA for STATE FARM FIRE AND CASUALTY COMPANY 15 minutes

827.0  
CA 18-02159

**PAULA L. GIBBS**  
**V**  
**STATE FARM FIRE AND CASUALTY COMPANY**

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered June 21, 2018. The order denied the motion of plaintiff for a stay of all proceedings.

PAULA L. GIBBS for HERSELF Submitted

ROY ALBERT MURA for STATE FARM FIRE AND CASUALTY COMPANY Submitted

828.0  
CA 18-02160

**PAULA L. GIBBS**  
V  
**STATE FARM FIRE AND CASUALTY COMPANY**

Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), dated October 23, 2018. The order denied the motion of plaintiff to vacate the dismissal of the action.

PAULA L. GIBBS for HERSELF Submitted

ROY ALBERT MURA for STATE FARM FIRE AND CASUALTY COMPANY Submitted

829.0  
CA 19-00573

**WILMINGTON SAVINGS FUND SOCIETY**  
V  
**JULIAN M. FERNANDEZ**

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered November 21, 2018. The order, among other things, granted plaintiff leave to reargue defendant's motion to dismiss and upon reargument reversed its prior decision and denied defendant's motion to dismiss.

JULIAN M. FERNANDEZ for HIMSELF Submitted

ZACHARY R. GOLD for WILMINGTON SAVINGS FUND SOCIETY 15 minutes

830.0  
CA 19-00394

**KERMIT G. STRADTMAN, JR.**  
V  
**MARK CAVARETTA**

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.) entered August 13, 2018. The order granted defendants' motion for summary judgment dismissing plaintiff's complaint in its entirety.

AMANDA L. MACHACEK for KERMIT G. STRADTMAN, JR. 10 minutes

JOHN PATRICK DANIEU for MARK CAVARETTA 10 minutes

831.0  
CA 19-00398

**KERMIT G. STRADTMAN, JR.**  
V  
**MARK CAVARETTA**

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.) entered November 16, 2018. The order denied plaintiff's motion for leave to renew and reargue defendants' motion for summary judgment.

AMANDA L. MACHACEK for KERMIT G. STRADTMAN, JR. Submitted

JOHN PATRICK DANIEU for MARK CAVARETTA Submitted

832.0  
CA 18-02363

**CYNTHIA SMITH EDWARDS**  
V  
**DAVID MYERS**

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered May 30, 2018. The order granted the motions of defendants David Myers and Erie County Medical Center Corporation for summary judgment.

BRIAN J. ISAAC for CYNTHIA SMITH EDWARDS 15 minutes

JENNA W. KLUCSIK for DAVID MYERS 15 minutes

	<b>JOHN PATRICK DANIEU for ERIE COUNTY MEDICAL CENTER</b>	<b>10 minutes</b>
<b>833.0</b> <b>CA 18-02266</b>	<b>FORD MOTOR CREDIT COMPANY LLC</b> <b>V</b> <b>MCCARTHY ACQUISITION GROUP</b>	
	Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.) entered May 14, 2018. The order, among other things, dismissed Case Index Number 605086/2012 with prejudice.	
	<b>AARON M. SAYKIN for THOMAS J. PIERONI</b>	<b>15 minutes</b>
	<b>CRAIG A. LESLIE for FORD MOTOR CREDIT COMPANY LLC</b>	<b>15 minutes</b>
<b>834.0</b> <b>CA 18-01682</b>	<b>DONALD J. PHEARSDORF</b> <b>V</b> <b>STATE OF NEW YORK</b>	
	Appeal from an interlocutory judgment of the Court of Claims (Renee Forgens Minarik, J.), dated March 30, 2018. The interlocutory judgment granted the motion of plaintiffs for summary judgment on liability.	
	<b>MATTHEW C. LENAHAN for STATE OF NEW YORK</b>	<b>15 minutes</b>
	<b>BRIAN CHAPIN YORK for DONALD J. PHEARSDORF</b>	<b>15 minutes</b>
<b>835.0</b> <b>CA 18-01474</b>	<b>MICHAEL FINK</b> <b>V</b> <b>2870 ERIE BLVD. NOVELTIES &amp; GIFTS</b>	
	Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered July 27, 2018. The order, insofar as appealed from, granted the motion of plaintiff for partial summary judgment to Labor Law § 240 (1) and denied the cross motion of defendants for summary judgment pursuant to Labor Law §§ 240 (1) and 241 (c).	
	<b>ROBIN J. GRAY for 2870 ERIE BLVD. NOVELTIES &amp; GIFTS</b>	<b>Submitted</b>
	<b>ROBERT A. QUATTROCCI for MICHAEL FINK</b>	<b>15 minutes</b>
<b>836.0</b> <b>CA 19-00077</b>	<b>SIMARIS DIAZ</b> <b>V</b> <b>RGRTA</b>	
	Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered July 11, 2018. The order denied the application of plaintiff for leave to serve a late notice of claim.	
	<b>RICHARD P. AMICO for SIMARIS DIAZ</b>	<b>10 minutes</b>
	<b>GEORGE GERARD MACKEY for RGRTA</b>	<b>15 minutes</b>
<b>837.0</b> <b>CA 18-02138</b>	<b>YOLANDA JACKSON</b> <b>V</b> <b>JOYCE RUMPF</b>	
	Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered June 1, 2018. The order, insofar as appealed from, granted the motion of plaintiff for summary judgment on the issues of negligence and probable cause.	
	<b>ALAN J. DEPETERS for JOYCE RUMPF</b>	<b>15 minutes</b>
	<b>CHRISTIAN VALENTINO for YOLANDA JACKSON</b>	<b>15 minutes</b>

DAY CALENDAR  
Friday, September 6, 2019 - 10:00 AM  
HON. SAMUEL L. GREEN COURTROOM

838.0  
KA 16-00850

PEOPLE  
V  
ABDIEL VAZQUEZ

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered May 13, 2016. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree.

BRIDGET L. FIELD for ABDIEL VAZQUEZ 5 minutes

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

839.0  
KA 16-01484

PEOPLE  
V  
JOHNNY BLACKSHELL

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered July 8, 2016. The judgment convicted defendant, upon a jury verdict, of murder in the first degree (three counts), assault in the first degree (two counts), assault in the second degree and criminal possession of a weapon in the second degree (two counts).

WILLIAM G. PIXLEY for JOHNNY BLACKSHELL 15 minutes

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK 15 minutes

840.0  
KA 16-01485

PEOPLE  
V  
JOHNNY BLACKSHELL

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered August 5, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of stolen property in the fourth degree.

WILLIAM G. PIXLEY for JOHNNY BLACKSHELL Submitted

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

841.0  
KA 18-00678

PEOPLE  
V  
JOHNNY BLACKSHELL

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered September 8, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree, assault in the first degree, robbery in the first degree, robbery in the second degree (two counts), burglary in the second degree, criminal possession of a weapon in the second degree, reckless endangerment in the first degree and petit larceny.

WILLIAM G. PIXLEY for JOHNNY BLACKSHELL Submitted

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

842.0  
KA 16-00190

PEOPLE  
V  
JAMAR A. GRAHAM



Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered July 30, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the first degree and attempted kidnapping in the second degree.

JAMES A. HOBBS for JAMAR A. GRAHAM 10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

843.0  
KA 17-01753

PEOPLE  
V  
JEFFREY R. MAGEE

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered July 10, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

JAMES M. SPECYAL for JEFFREY R. MAGEE Submitted

SUSAN M. HOWARD for THE PEOPLE OF THE STATE OF NEW YORK Submitted

844.0  
KA 17-01862

PEOPLE  
V  
DANNIE J. SIMS

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered August 8, 2017. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

JOSEPH G. FRAZIER for DANNIE J. SIMS Submitted

MARY-JEAN BOWMAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

845.0  
KA 17-01539

PEOPLE  
V  
ROBERT SUDA

Appeal from a judgment of the Supreme Court, Erie County (John J. Buscaglia, J.), rendered August 3, 2016. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class E felony.

ALAN WILLIAMS for ROBERT SUDA 15 minutes

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK 15 minutes

846.0  
KA 18-01873

PEOPLE  
V  
HANDSOME RICE

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 9, 2017. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

NATHANIEL V. RILEY for HANDSOME RICE Submitted

DARIENN P. BALIN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

847.0  
KA 19-00389

PEOPLE  
V  
KENNETH PASTORE

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), dated December 4, 2018. The order granted in part defendant's motion to suppress certain contraband seized from his vehicle and statements defendant made to law enforcement.

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

NICHOLAS P. DIFONZO for KENNETH PASTORE 5 minutes

848.0  
CAF 18-00611

**JOSHUA DEVORE**  
V  
**DHANAI AH M. O'HARRA-GARDNER**

Appeal from an order of the Family Court, Steuben County (Philip J. Roche, J.), entered March 26, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner custody of the subject child.

CARA A. WALDMAN for DHANAI AH M. O'HARRA-GARDNER 10 minutes

JOSHUA DEVORE for HIMSELF Submitted

STEVEN PAUL MAIO, ATTORNEY FOR CHILD Submitted

849.0  
CAF 18-00898

**In the Matter of**  
**JOVAN F., JR.**

Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered March 30, 2018 in a proceeding pursuant to Family Court Act article 10. The order determined that respondent had neglected the subject child.

PHILIP ROTHSCHILD for TIFFANY R. W. 10 minutes

YVETTE VELASCO for ONONDAGA COUNTY DSS Submitted

ANDREW SCOTT GREENBERG, ATTORNEY FOR CHILD 10 minutes

850.0  
CAF 18-01487

**In the Matter of**  
**JOVAN F., JR.**

Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered July 20, 2018 in a proceeding pursuant to Family Court Act article 10. The order continued the placement of the child with petitioner.

PHILIP ROTHSCHILD for TIFFANY R. W. Submitted

YVETTE VELASCO for ONONDAGA COUNTY DSS Submitted

ANDREW SCOTT GREENBERG, ATTORNEY FOR CHILD Submitted

851.0  
CAF 18-00760

**SUSAN TRIPPLE**  
V  
**CRYSTAL TOWNSEND**

Appeal from an order of the Family Court, Herkimer County (John J. Brennan, J.), entered January 18, 2018 in a proceeding pursuant to Family Court Act article 6. The order granted petitioner custody of the subject children.

PETER J. DIGIORGIO, JR., for DARIUS STEWART, SR. Submitted

SUSAN TRIPPLE for HERSELF Submitted

	GEORGE G. FIESINGER, JR., for CRYSTAL TOWNSEND	Submitted
	EDWARD G. KAMINSKI, ATTORNEY FOR CHILD	Submitted
	JOHN G. KOSLOSKY, ATTORNEY FOR CHILD	Submitted
852.0 CAF 18-01202	<b>KIERSTEN A. SMITH</b> V <b>SHERRI BALLAM</b>	
	Appeal from an order of the Family Court, Steuben County (Peter C. Bradstreet, A.J.), entered June 12, 2018. The order granted petitioner Kiersten A. Smith sole custody of the subject child and denied visitation to respondent Sherri Ballam.	
	MICHAEL STEINBERG for SHERRI BALLAM	15 minutes
	PAUL B. WATKINS for KIERSTEN A. SMITH	10 minutes
	MARYBETH D. BARNET, ATTORNEY FOR CHILD	5 minutes
853.0 CA 18-02086	<b>CENTERLINE/FLEET HOUSING</b> V <b>HOPKINS COURT APARTMENTS, LLC</b>	
	Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered July 21, 2017. The order denied the motion of defendants Hopkins Court Apartments, LLC, Whitney Capital Company, LLC, Whitney Hopkins Associates and CRS Properties, Inc., for summary judgment.	
	DAVID A. DAVENPORT for HOPKINS COURT APARTMENTS, LLC	15 minutes
	ERIC S. PETTIT for CENTERLINE/FLEET HOUSING	15 minutes
854.0 CA 18-01438	<b>In the Matter of</b> <b>LAURENCE R. GOODYEAR</b>	
	Appeal from an order of the Surrogate's Court, Erie County (Acea M. Mosey, S.), entered June 25, 2018. The order, insofar as appealed from, granted in part the motion of the respondents for reargument and renewal.	
	DAVID G. OBERDICK for FREDERICK J. YOUNG	15 minutes
	ANDREW P. ZAPPIA for SWEPI, LP	Submitted
	KEVIN M. KEARNEY for DANIEL M. GOODYEAR	15 minutes
855.0 CA 18-01634	<b>EASTVIEW MALL, LLC</b> V <b>GRACE HOLMES, INC.</b>	
	Appeal from an order of the Supreme Court, Ontario County (Matthew A. Rosenbaum, J.), entered September 6, 2018. The order, inter alia, granted the motion of plaintiff for a preliminary injunction.	
	DANIELLE C. LESSER for GRACE HOLMES, INC.	15 minutes
	JOHN A. MANCUSO for EASTVIEW MALL, LLC	15 minutes
856.0 CA 18-01747	<b>BOARD OF EDUCATION OF PALMYRA-MAC</b> V <b>FLOWER CITY GLASS CO., INC.</b>	

Appeals from an order of the Supreme Court, Wayne County (Matthew A. Rosenbaum, J.) entered August 14, 2018. The order, among other things, denied defendants' motions for summary judgment.

MICHAEL REDDY for FLOWER CITY GLASS CO., INC. 15 minutes

MATTHEW SINGER for NUDO PRODUCTS, INC. 15 minutes

ROBERT W. CONNOLLY for BOARD OF EDUCATION OF PALMYRA-MAC 15 minutes

857.0  
CA 18-01732

JOSEPH HARTNETT  
V  
HUNT REAL ESTATE CORPORATION

Appeal from an order of the Supreme Court, Erie County (Emilio L. Colaiacovo, J.), entered October 20, 2017. The order granted the motion of Hunt Real Estate Corporation and Beatrice Dunwoodie for summary judgment dismissing plaintiffs' complaint and any and all cross claims against them.

JOSEPH G. MAKOWSKI for JOSEPH HARTNETT 10 minutes

ROBERT F. HORVAT for HUNT REAL ESTATE CORPORATION 10 minutes

JEFFREY P. DIPALMA for MICHAEL ZUCHOWSKI 10 minutes

858.0  
CA 18-01733

JOSEPH HARTNETT  
V  
MICHAEL ZUCHOWSKI

Appeal from an order of the Supreme Court, Erie County (Emilio L. Colaiacovo, J.), entered December 4, 2017. The order denied the motion of Michael Zuchowski for summary judgment dismissing plaintiffs' complaint and denied plaintiffs' cross motion for summary judgment as against defendant Michael Zuchowski, on the issue of negligence.

JOSEPH G. MAKOWSKI for JOSEPH HARTNETT Submitted

JEFFREY P. DIPALMA for MICHAEL ZUCHOWSKI Submitted

859.0  
CA 18-02084

CENTERLINE/FLEET HOUSING  
V  
HOPKINS COURT APARTMENTS, LLC

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered November 1, 2018. The order, insofar as appealed from, denied the motion of defendants Hopkins Court Apartments, LLC, Whitney Capital Company, LLC, Whitney Hopkins Associates and CRS Properties, Inc., for renewal of their motion for summary judgment.

DAVID A. DAVENPORT for HOPKINS COURT APARTMENTS, LLC 15 minutes

ERIC S. PETTIT for CENTERLINE/FLEET HOUSING 15 minutes

860.0  
CA 18-01904

MICHAEL KULIGOWSKI  
V  
ONE NIAGARA, LLC

Appeals from an order of the Supreme Court, Niagara County (Sara Sheldon, A.J.), entered October 2, 2018. The order, among other things, denied in part the motion of One Niagara, LLC seeking summary judgment and denied the cross motion of defendant R.B. U'Ren Equipment Rental, Inc. seeking summary judgment.

**MAUREEN G. FATCHERIC for ONE NIAGARA, LLC** **10 minutes**

**LISA L. GOLLIHUE for R.B. U'REN EQUIPMENT RENTAL, INC.** **15 minutes**

**MICHAEL SZCYGIEL for MICHAEL KULIGOWSKI** **15 minutes**

**861.0**  
**CA 19-00002**

**LAKEVIEW LOAN SERVICING, LLC**

**V**

**MARK EDWARD FINN**

**Appeal from an order of the Supreme Court, Wayne County (John B. Nesbitt, A.J.), entered April 2, 2018. The order, inter alia, granted the motion of plaintiff for summary judgment and appointed a referee.**

**AMARIS ELLIOTT-ENGEL for MARK EDWARD FINN** **10 minutes**

**GREGORY J. SANDA for LAKEVIEW LOAN SERVICING, LLC** **10 minutes**

DAY CALENDAR  
Monday, September 9, 2019 - 10:00 AM  
HON. SAMUEL L. GREEN COURTROOM

862.0  
KA 17-00927

PEOPLE  
V  
RAE-KWON CHAMBERS

Appeal from a judgment of the Onondaga County Court (Stephen J. Dougherty, J.), rendered May 3, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted arson in the second degree.

NATHANIEL V. RILEY for RAE-KWON CHAMBERS Submitted

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

863.0  
KA 19-00442

PEOPLE  
V  
RAE-KWON CHAMBERS

Appeal from a resentence of the Onondaga County Court (Stephen J. Dougherty, J.), rendered July 28, 2017. Defendant was resented upon his conviction of attempted arson in the second degree.

NATHANIEL V. RILEY for RAE-KWON CHAMBERS Submitted

WILLIAM J. FITZPATRICK for THE PEOPLE OF THE STATE OF NEW YORK Submitted

864.0  
KA 18-00147

PEOPLE  
V  
MELQUAN TUCKER

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered January 8, 2019. The judgment convicted defendant, upon a jury verdict, of criminal possession of a firearm.

ERIN A. KULESUS for MELQUAN TUCKER 10 minutes

THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

DENNIS RAMBAUD for NYS OFFICE OF ATTORNEY GENERAL 10 minutes

865.0  
KA 17-00560

PEOPLE  
V  
GREGORY C. DINANT, JR.

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered April 13, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the second degree, assault in the third degree, criminal mischief in the third degree, criminal possession of a weapon in the fourth degree and reckless endangerment.

THEODORE W. STENUF for GREGORY C. DINANT, JR. 10 minutes

AMY HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

866.0  
KA 18-00284

PEOPLE  
V  
PAUL A. LOVE

Appeal from a decision and order of the Erie County Court (Thomas P. Franczyk, J.), entered December 21, 2017. The decision and order determined defendant to be a level two risk pursuant to the Sex Offender Registration Act.

	NICHOLAS P. DIFONZO for PAUL A. LOVE	Submitted
	MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
867.0 KA 17-01320	<b>PEOPLE</b> V <b>CHRISTOPHER GARIS</b>	
	Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.); entered January 26, 2017. The judgment revoked defendant's probation and imposed a term of imprisonment.	
	JAMES M. SPECYAL for CHRISTOPHER GARIS	10 minutes
	JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
868.0 KA 17-00654	<b>PEOPLE</b> V <b>LUTHER ADAIR</b>	
	Appeal from a judgment of the Onondaga County Court (Stephen J. Dougherty, J.), rendered February 24, 2017. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the first degree, obstructing governmental administration in the second degree and resisting arrest.	
	MARY P. DAVISON for LUTHER ADAIR	Submitted
	DARIENN P. BALIN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
869.0 KA 16-02260	<b>PEOPLE</b> V <b>JEREMY E. KNIFFIN</b>	
	Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered October 28, 2016. The judgment convicted defendant, upon a jury verdict, of criminal mischief in the fourth degree.	
	GARY MULDOON for JEREMY E. KNIFFIN	10 minutes
	V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
870.0 CA 19-00463	<b>HEALTHNOW NEW YORK, INC.</b> V <b>EMPLOYER SERVICES CORPORATION</b>	
	Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered September 11, 2018. The order, among other things, granted in part defendant Employer Services Corporation's motion to dismiss.	
	D. CHARLES ROBERTS for HEALTHNOW NEW YORK, INC.	10 minutes
	HUGH C. CARLIN for EMPLOYER SERVICES CORPORATION	10 minutes
871.0 CA 19-00028	<b>ZELAZNY FAMILY ENTERPRISES, LLC</b> V <b>TOWN OF SHELBY</b>	
	Appeal from an order of the Supreme Court, Niagara County (Daniel J. Furlong, J.), entered August 20, 2018. The order granted the motion of respondents for a change of venue and transferred the proceeding to Supreme Court, Orleans County.	
	LAUREL J. EVELEIGH for ZELAZNY FAMILY ENTERPRISES, LLC	Submitted

CHARLES W. MALCOMB for TOWN OF SHELBY

10 minutes

872.0  
CA 19-00407

JOSEPH P. PANELLA  
V  
STATE OF NEW YORK

Appeal from an order and judgment of the Supreme Court, Oneida County (Norman W. Seiter, Jr., J.), entered September 5, 2018. The order and judgment granted the motion of defendants to dismiss the complaint and dismissed the case.

STEPHANIE A. PALMER for JOSEPH P. PANELLA

10 minutes

ROBERT M. GOLDFARB for STATE OF NEW YORK

10 minutes

873.0  
CA 19-00006

PATRICK A. NICOL  
V  
TARA M. NICOL

Appeal from an order of the Supreme Court, Monroe County (Richard A. Dollinger, A.J.) entered April 26, 2018. The order denied plaintiff's motion to modify and enforce certain terms of the parties's judgment of divorce and separation and settlement agreement.

WENDY S. SISSON for PATRICK A. NICOL

Submitted

MICHAEL D. SCHMITT for TARA M. NICOL

Submitted

874.0  
CA 19-00366

SOUTHWESTERN INVESTORS GROUP, LLC **SETTLED**  
V  
JH PORTFOLIO DEBT EQUITIES, LLC

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.) entered July 5, 2018. The order, among other things, granted defendant JH Portfolio Debt Equities, LLC's motion for summary judgment.

KEVIN T. O'BRIEN for SOUTHWESTERN INVESTORS GROUP, LLC

CAROLINA A. FORNOS for JH PORTFOLIO DEBT EQUITIES, LLC

875.0  
OP 19-00620

ASHLEY NEWBURY **SETTLED**  
V  
HON. SANFORD A. CHURCH

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court for the Fourth Judicial Department pursuant to CPLR 506 [b]) to reverse the denial of her pistol permit application.

HARVEY PHILIP SANDERS for ASHLEY NEWBURY

LETITIA JAMES for HON. SANFORD A. CHURCH

876.0  
CA 19-00345

TIMOTHY J. FARNHAM  
V  
MIC WHOLESALE LTD

Appeal from an order of the Supreme Court, Erie County (Russell P. Buscaglia, J.) entered April 9, 2018. The order denied defendant Manheim Auto Auction's motion for summary judgment dismissing all claims against it.

GARY DVOSKIN for MANHEIM AUTO AUCTION

15 minutes



	EDWARD L. SMITH, III for TIMOTHY J. FARNHAM	10 minutes
877.0 CA 19-00272	<b>NATIONWIDE AFFINITY INSURANCE COMPANY</b> V <b>BEACON ACUPUNCTURE, P.C.</b>	
	Appeal from an order of the Supreme Court, Erie County (Donald A. Greenwood, J.), entered August 7, 2018. The order, among other things, denied in part plaintiff's motion for summary judgment.	
	ALLAN HOLLANDER for NATIONWIDE AFFINITY INSURANCE COMPA	15 minutes
	OLEG RYBAK for BEACON ACUPUNCTURE, P.C.	Submitted
878.0 CA 18-02291	<b>COURTNEY L. SMITH</b> V <b>STATE FARM MUTUAL AUTOMOBILE INS.</b>	
	Appeals from an order of the Supreme Court, Erie County (E. Jeanette Ogden, J.), entered November 16, 2018. The order, insofar as applied from, denied the motions of defendants for summary judgment.	
	BRENDAN S. BYRNE for STATE FARM MUTUAL AUTOMOBILE INS.	10 minutes
	VICTOR M. WRIGHT for CHRISTINA A. PUGH	10 minutes
	BRIAN RUSSELL WOOD for COURTNEY L. SMITH	10 minutes
879.0 CA 18-02334	<b>JUDD SUNSHINE</b> V <b>LONDRA BELL</b>	
	Appeal from an order of the Supreme Court, Erie County (Paul B. Wojtaszek, J.), entered October 10, 2018. The order, insofar as appealed from, granted the motion of defendants to dismiss all of plaintiffs' causes of action except the second cause of action.	
	JOHN J. LAVIN for JUDD SUNSHINE	Submitted
	KEITH R. WESOLOWSKI for LONDRA BELL	Submitted
880.0 CA 18-01743	<b>In the Matter of</b> <b>THE ESTATE OF ANTHONY J. THOMAS</b>	
	Appeal from an order of the Surrogate's Court, Monroe County (John M. Owens, S.), entered August 21, 2018. The order denied the petition and supplemental petition and denied petitioner's claim that Anthony Thomas held any ownership interest in New York State Fence, Inc. at the time of his death.	
	JONATHAN B. FELLOWS for GLORIA M. BORRELLI	15 minutes
	ANTHONY J. ADAMS, JR., for TOM J. THOMAS	15 minutes
881.0 CA 18-01785	<b>RAYMOND BUBAR</b> V <b>DOROTHY URSCHEL</b>	
	Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 17, 2018. The order denied defendant Dorothy Urschel, ANCP-C's motion for summary judgment.	
	MICHAEL J. WILLETT for DOROTHY URSCHEL	15 minutes
	RICHARD P. VALENTINE for RAYMOND BUBAR	10 minutes

ANN M. CAMPBELL for RICHARD BRODMAN, M.D.

15 minutes

MICHAEL J. ROACH for MICHAEL CELLINO, M.D.

10 minutes

882.0  
CA 18-01786

RAYMOND BUBAR  
V  
MICHAEL CELLINO

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 17, 2018. The order, among other things, denied the motion of defendants Michael Cellino, M.D. and Buffalo Medical Group for summary judgment dismissing the complaint and any cross claims against them.

RICHARD P. VALENTINE for RAYMOND BUBAR

Submitted

MICHAEL J. ROACH for MICHAEL CELLINO, M.D.

Submitted

ANN M. CAMPBELL for RICHARD BRODMAN, M.D.

Submitted

883.0  
CA 18-01787

RAYMOND BUBAR  
V  
RICHARD F. BRODMAN, M.D.

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered July 17, 2018. The order denied the motion of defendants Richard Broadman, M.D. and Buffalo Cardiothoracic Surgical, PLLC for summary judgment dismissing all claims and cross claims against them.

ANN M. CAMPBELL for RICHARD F. BRODMAN, M.D.

Submitted

RICHARD P. VALENTINE for RAYMOND BUBAR

Submitted

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

884.0  
KA 15-01393

PEOPLE  
V  
JOSEPH M. LACROSS

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered July 16, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree.

KATHLEEN P. REARDON for JOSEPH M. LACROSS 10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

885.0  
KA 16-00632

PEOPLE  
V  
JOHN E. CAHOON

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered March 17, 2016. The judgment convicted defendant, upon a jury verdict of grand larceny in the third degree.

DONALD M. THOMPSON for JOHN E. CAHOON 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

886.0  
KA 16-01483

PEOPLE  
V  
DAMON SALLARD

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 20, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DAVID M. ABBATOY, JR., for DAMON SALLARD 10 minutes

DARIENN P. BALIN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

887.0  
KA 18-01573

PEOPLE  
V  
ANTHONY J. GOODEARL

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.); entered June 27, 2018. The judgment revoked defendant's probation and imposed a term of imprisonment.

JOSEPH G. FRAZIER for ANTHONY J. GOODEARL Submitted

MARY-JEAN BOWMAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

888.0  
KA 17-01706

PEOPLE  
V  
LAWRENCE COLBERT, JR.

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered October 4, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree.

ROBERT L. KEMP for LAWRENCE COLBERT, JR. Submitted

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

889.0  
KA 15-01678

**PEOPLE**  
**V**  
**JOSEPH M. LACROSS**

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered August 10, 2015. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree.

KATHLEEN P. REARDON for JOSEPH M. LACROSS Submitted

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK Submitted

890.0  
KA 16-01906

**PEOPLE**  
**V**  
**SEBASTIAN VAZQUEZ**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 23, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

KRISTEN MCDERMOTT for SEBASTIAN VAZQUEZ 15 minutes

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

891.0  
CAF 18-00532

**In the Matter of**  
**KAYLA V.**

Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered February 14, 2018, in a proceeding pursuant to Family Court article 10. The order determined that respondent had neglected the subject child.

PETER J. DIGIORGIO, JR., for CRAIG V. 10 minutes

JOHN A. HERBOWY for ONEIDA COUNTY DSS 5 minutes

SUSAN B. MARRIS, ATTORNEY FOR CHILD 5 minutes

892.0  
CAF 18-00088

**In the Matter of**  
**BROOKE T.**

Appeal from an order of the Family Court, Oswego County (James K. Eby, J.), entered December 13, 2017, in a proceeding pursuant to Social Services Law §384-b. The order terminated the parental rights of respondent.

ROBERT J. GALLAMORE for TERRI T. Submitted

JEFFERY G. TOMPKINS for OSWEGO COUNTY DSS 5 minutes

WALTER JAMES BURKARD, ATTORNEY FOR CHILD Submitted

893.0  
CAF 18-00539

**EDWARD D. DILLENBECK**  
**V**  
**KELLY C. TRZCINSKI**

Appeal from an order of the Family Court, Oneida County (Julie M. Brouillette, J.), entered March 9, 2018 in proceedings pursuant to Family Court Act article 6. The order, among other things, adjudged that Kelly C. Trzcinski had willfully violated orders of the court and awarded Edward D. Dillenbeck sole custody of the subject children.

PETER J. DIGIORGIO, JR., for KELLY C. TRZCINSKI 10 minutes

EDWARD D. DILLENBECK for HIMSELF Submitted

	<b>JULIE GIRUZZI-MOSCA, ATTORNEY FOR CHILD</b>	<b>Submitted</b>
<b>894.0</b> <b>CAF 18-00355</b>	<b>In the Matter of</b> <b>CARMELLAH Z.</b>	
	Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered January 23, 2018 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Casey Vecchio had neglected the subject children and placed her under the supervision of petitioner.	
	<b>LINDA M. CAMPBELL for CASEY V.</b>	<b>10 minutes</b>
	<b>YVETTE VELASCO for ONONDAGA COUNTY DSS</b>	<b>Submitted</b>
	<b>MICHAEL J. KERWIN, ATTORNEY FOR CHILD</b>	<b>Submitted</b>
<b>895.0</b> <b>CAF 18-02034</b>	<b>In the Matter of</b> <b>CARMELLAH Z.</b>	
	Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered January 23, 2018 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent Casey Vecchio had neglected the subject children and placed her under the supervision of petitioner.	
	<b>LINDA M. CAMPBELL for CASEY V.</b>	<b>Submitted</b>
	<b>YVETTE VELASCO for ONONDAGA COUNTY DSS</b>	<b>Submitted</b>
	<b>MICHAEL J. KERWIN, ATTORNEY FOR CHILD</b>	<b>Submitted</b>
<b>896.0</b> <b>CA 19-00452</b>	<b>MICHELE GENTILE</b> <b>V</b> <b>MATTHEW MALENICK</b>	
	Appeal from an order of the Supreme Court, Cayuga County (Mark A. Fandrich, A.J.), entered September 5, 2018. The order denied the motion of defendant Matthew Malenick for summary judgment.	
	<b>ROBERT P. CAHALAN for MATTHEW MALENICK</b>	<b>15 minutes</b>
	<b>PETER N. LITTMAN for MICHELE GENTILE</b>	<b>15 minutes</b>
<b>897.0</b> <b>CA 19-00470</b>	<b>KEVIN L. GARDNER</b> <b>V</b> <b>CHARLES R. TRUST, JR.</b>	
	Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.) entered September 5, 2018. The order denied respondent's motion to vacate the default judgment of foreclosure entered April 25, 2016.	
	<b>TIMOTHY J. FENNELL for CHARLES R. TRUST, JR.</b>	<b>15 minutes</b>
	<b>RICHARD C. MITCHELL for KEVIN L. GARDNER</b>	<b>5 minutes</b>
<b>898.0</b> <b>CA 19-00388</b>	<b>MARTIN S. AUER</b> <b>V</b> <b>JOHN S. DYSON</b>	

Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered September 7, 2018. The order, inter alia, granted the motion of defendant Power Authority of the State of New York for a change of venue to Supreme Court, Albany County

AARON MARK ZIMMERMAN for LAURENCE SLOANE 20 minutes

KATHERINE A. SKEELE for POWER AUTHORITY 20 minutes

899.0  
CA 19-00269

PETER L. HAINES  
V  
HOLLY WEST

Appeals from an order and judgment (one paper) of the Supreme Court, Steuben County (Daniel J. Doyle, J.) entered July 17, 2018. The order and judgment, among other things, granted plaintiffs' motion for summary judgment.

CHRISTOPHER P. MILAZZO for HOLLY WEST 15 minutes

DAVID A. SHULTS for WILLIAM J. HURLBURT 15 minutes

DAVID LEE RASMUSSEN for PETER L. HAINES 10 minutes

900.0  
CA 19-00306

KAYONA HANNAH  
V  
CHRISTOPHER LANPHER

Appeal from a decision, judgment and order of the Supreme Court, Monroe County (John J. Ark, J.), entered December 4, 2018. The decision, judgment and order granted the motion of defendants for summary judgments and dismissed the complaint.

MO J. ATHARI for KAYONA HANNAH Submitted

JEREMY M. BUCHALSKI for CHRISTOPHER LANPHER Submitted

901.0  
CA 19-00373

MARLO PAYNE  
V  
ROME MEMORIAL HOSPITAL

Appeal from an order of the Supreme Court, Oneida County (Patrick F. MacRae, J.), entered August 21, 2018. The order granted the motion of defendant for summary judgment and dismissed the complaint.

JOHN C. CHERUNDOLO for MARLO PAYNE 10 minutes

THOMAS A. CULLEN for ROME MEMORIAL HOSPITAL 15 minutes

902.0  
CA 19-00432

CARLEY SMITH  
V  
SAMARITAN MEDICAL CENTER

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.) entered August 27, 2018. The order, among other things, denied plaintiff's motion to amend her bill of particulars.

ANNA ROBBINS for CARLEY SMITH 10 minutes

CORY J. SCHOONMAKER for ELLIOT S. COHEN, M.D. 15 minutes

903.0  
CA 19-00434

CARLEY SMITH  
V  
SAMARITAN MEDICAL CENTER

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.) entered November 28, 2018. The order granted the motion of defendant Elliot S.Cohen, M.D. for summary judgment.

ANNA ROBBINS for CARLEY SMITH

Submitted

JENNA W. KLUCSIK for ELLIOT S. COHEN, M.D.

Submitted

904.0  
CA 18-01866

**ANITA J. USZKIEWICZ**

**V**

**ANDREW S. HUTHER**

Appeal from an order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered September 17, 2018. The order granted defendants' motions for summary judgment.

JANET D. CALLAHAN for ANITA J. USZKIEWICZ

10 minutes

FRANK LAURINO for ANDREW S. HUTHER

10 minutes

MICHELLE M. DAVOLI for LAUREN M. CRITELLI

10 minutes

905.0  
CA 19-00266

**EDWARD J. HAGGERTY**

**V**

**PHILIP M. STEITZ**

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered December 10, 2018 upon a non jury trial. The order dismissed the plaintiff's case and ordered that judgment may be entered in favor of defendant.

GUSTAVE J. DETRAGLIA, JR., for EDWARD J. HAGGERTY

Submitted

DOUGLAS DODDS for PHILIP M. STEITZ

5 minutes

**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	<b>In the Matter of FREDERICKA S.</b>	
	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	<b>PAULINE A. BEAGLE V CITY OF BUFFALO</b>	
	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	<b>COLIN BRINSON V MELISSA BRINSON</b>	
	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	<b>KYLE GEHRKE V MUSTANG SALLY'S SPIRITS AND GRILL</b>	
	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

**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	<b>KAITLYN M. GUPTILL for THE PEOPLE OF THE STATE OF NEW YORK</b>  <b>PEOPLE</b> <b>V</b> <b>DEVONTE E. BURTON</b>	10 minutes
	<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</p>	10 minutes
	<b>LISA GRAY for THE PEOPLE OF THE STATE OF NEW YORK</b>	10 minutes
934.0 KA 17-00296	<b>PEOPLE</b> <b>V</b> <b>DANIEL M. SWANK</b>	
	<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</p>	10 minutes
	<p>AMY HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK</p>	10 minutes
936.0 CA 18-01467	<b>PROLINE CONCRETE OF WNY, INC.</b> <b>V</b> <b>G.M. CRISALLI &amp; ASSOCIATES, INC.</b>	
	<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 &amp; ASSOCIATES, INC.</p>	15 minutes
	<p>GEFFREY GISMONDI for PROLINE CONCRETE OF WNY, INC.</p>	5 minutes
937.0 CA 19-00650	<b>DALE NOBLE</b> <b>V</b> <b>VILLAGER CONSTRUCTION, INC.</b>	<b>SETTLED</b>
	<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	<b>SRP 2012-4, LLC</b> <b>V</b> <b>CYNTHIA L. CHAN</b>	
	<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</p>	15 minutes

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** **SETTLED**  
**V**  
**EVANDER KANE**

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

**DAY CALENDAR**  
**Thursday, September 12, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

**949.0**  
**KA 18-01777**

**PEOPLE**  
**V**  
**CHRISTOPHER J. WEBER**

Appeal from a decision and order of the Monroe County Court (Vincent M. DiNolfo, J.), entered April 12, 2018. The decision and order determined defendant to be a level three risk pursuant to the Sex Offender Registration Act.

**DAVID R. JUERGENS for CHRISTOPHER J. WEBER** **Submitted**

**NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**950.0**  
**KA 16-00348**

**PEOPLE**  
**V**  
**CHARLES E. BAKER**

Appeal from a judgment of the Cayuga County Court (Thomas Guy Leone, J.), rendered December 1, 2015. The judgment convicted defendant, upon a jury verdict, of burglary in the third degree, grand larceny in the fourth degree, attempted grand larceny in the third degree, criminal mischief in the third degree, petit larceny (three counts), conspiracy in the fifth degree, criminal possession of stolen property in the fifth degree and possession of burglar tools.

**MARIO J. GUTIERREZ for CHARLES E. BAKER** **Submitted**

**CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**951.0**  
**KA 16-00347**

**PEOPLE**  
**V**  
**CHARLES E. BAKER**

Appeal from a judgment of the Cayuga County Court (Thomas Guy Leone, J.), rendered December 1, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the third degree.

**MARIO J. GUTIERREZ for CHARLES E. BAKER** **Submitted**

**CHRISTOPHER VALDINA for THE PEOPLE OF THE STATE OF NEW YORK** **Submitted**

**952.0**  
**KA 17-01638**

**PEOPLE**  
**V**  
**ELIJAH BELL**

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered December 20, 2016. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (two counts) and promoting prison contraband in the first degree.

**ROBERT L. KEMP for ELIJAH BELL** **10 minutes**

**ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK** **10 minutes**

**953.0**  
**KA 16-01617**

**PEOPLE**  
**V**  
**MICHAEL MORRIS**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered May 9, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree and assault in the first degree.

BRITTNEY NICOLE CLARK for MICHAEL MORRIS 10 minutes

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

954.0  
KA 17-00745

PEOPLE  
V  
LAMAR G. SHARPE

Appeal from a judgment of the Supreme Court, Monroe County (Douglas A. Randall, J.), rendered January 22, 2013. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree and robbery in the first degree.

EFTIHIA BOURTIS for LAMAR G. SHARPE 10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

955.0  
KA 15-01250

PEOPLE  
V  
DAKWAN PATTERSON

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered May 13, 2015. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

DAVID R. JUERGENS for DAKWAN PATTERSON 10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

956.0  
KA 17-01208

PEOPLE  
V  
DEQUANN THOMAS

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered June 7, 2017. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree, criminal possession of a weapon in the second degree and assault in the second degree.

BARBARA J. DAVIES for DEQUANN THOMAS 10 minutes

NOHA A. ELNAKIB for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

957.0  
KA 17-00050

PEOPLE  
V  
RICHARD D. STEINMETZ

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered October 24, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree (five counts), criminal possession of marihuana in the second degree, criminal possession of a weapon in the fourth degree (four counts).

J. SCOTT PORTER for RICHARD D. STEINMETZ 10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

958.0  
CAF 18-02039

JAZ T., SR.  
V  
KEVIN B., JR.

Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser, J.), entered September 5, 2018 in a proceeding pursuant to Family Court Act article 5. The order, among other things, denied petitioner's application to vacate an Order of Filiation, entered August 17, 2018 declaring that Kevin B. is the father of the subject child.

DAVID R. JUERGENS for JAZ T., SR. 10 minutes

KEVIN B., JR., for KEVIN B., JR. Submitted

CHELSEA L. PALMISANO, ATTORNEY FOR CHILD Submitted

PAUL B. WATKINS, ATTORNEY FOR CHILD 10 minutes

959.0  
CAF 18-00436

SUNNY B. POROMON  
V  
MONIQUE T. EVANS

Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser J.), entered February 21, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal custody of the subject child

TIMOTHY S. DAVIS for MONIQUE T. EVANS 10 minutes

STEVEN M. WITKOWICZ for SUNNY B. POROMON 5 minutes

EVELYN ADAMS for HERSELF Submitted

ALISON CHRISTINE BATES, ATTORNEY FOR CHILD 5 minutes

960.0  
CAF 18-00306

In the Matter of  
JACK S.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered January 9, 2018 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondents had neglected the subject children.

WILLIAM D. BRODERICK, JR., for LEAH S. 10 minutes

NICHOLAS G. LOCICERO for ERIE COUNTY DSS Submitted

RICHARD L. SULLIVAN, ATTORNEY FOR CHILD 5 minutes

961.0  
CAF 18-01319

AMANDA MAY LANDENBERG  
V  
EDWARD BRUCE AKENS

Appeal from an order of the Family Court, Onondaga County (Salvatore Pavone, R.), entered June 14, 2018 in a proceeding pursuant to Family Court Act article 6. The order, among other things, revoked respondent Cynthia Louise Stevens' visitation rights with respect to the subject child.

NATHANIEL V. RILEY for CYNTHIA LOUISE STEVENS 10 minutes

JOHN A. CIRANDO for AMANDA MAY LANDENBERG 10 minutes

EDWARD BRUCE AKENS for HIMSELF Submitted

JAMES P. MCGINTY, ATTORNEY FOR CHILD Submitted

962.0  
CA 19-00337

ANN MASON  
V  
ERIC D. CARUANA

Appeal from a decision and order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered November 21, 2018. The decision and order denied the motion of defendant Eric D. Caruana for summary judgment on his first two counterclaims.

MINDY L. ZOGHLIN for ERIC D. CARUANA 10 minutes

RICHARD N. FRANCO for ANN MASON 10 minutes

964.0  
CA 18-02306

JEANNETTE SMITH  
V  
PIERCE E. WILLOTT, M.D.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered May 17, 2018. The order, inter alia, granted the motions of defendants for summary judgment.

MICHAEL R. DRUMM for JEANNETTE SMITH 15 minutes

MICHAEL J. WILLETT for SAUL P. GREENFIELD, M.D. 15 minutes

MOLLIE C. MCGORRY for KALEIDA HEALTH 15 minutes

965.0  
CA 19-00417

CAROL L. JONES  
V  
TOWN OF CARROLL

Appeal and cross appeal from an order of the Supreme Court, Chautauqua County (James J. Dillon, J.) entered April 26, 2018. The order denied plaintiff Sealand Waste LLC's motion for summary judgement and defendants' cross-motion for summary judgment.

PAUL V. WEBB, JR., for TOWN OF CARROLL 10 minutes

DAVID R. STAPLETON for CAROL L. JONES Submitted

ALAN J. KNAUF for SEALAND WASTE LLC 15 minutes

966.0  
CA 19-00453

JOSHUA GANG  
V  
STATE OF NEW YORK

Appeal from an order of the Court of Claims (J. David Sampson, J.), entered September 10, 2018. The judgment order, among other things, granted defendant's cross-motion for summary judgment dismissing the claim.

ERIC M. SHELTON for JOSHUA GANG 10 minutes

KATHLEEN M. TREASURE for STATE OF NEW YORK 10 minutes

967.0  
CA 19-00541

BEACON ESTATES, LLC  
V  
ANGELO INGRASSIA

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.) entered November 7, 2018. The order and judgment, among other things, granted the motions of defendants Angelo Ingrassia, 1612 Ridge Road, LLC, L.A. Fitness International, LLC, and Agree Rochester, NY, LLC, to dismiss plaintiffs' amended verified complaint.

MICHAEL STEINBERG for BEACON ESTATES, LLC 15 minutes

JEREMY M. SHER for ANGELO INGRASSIA 5 minutes

SCOTT GREENSPAN for L.A. FITNESS INTERNATIONAL, LLC 15 minutes

MARC W. BROWN for AGREE ROCHESTER NY, LLC 15 minutes

PHILIP G. SPELLANE for COUNTY OF MONROE INDUSTRIAL 5 minutes

PAUL L. LECLAIR for 1612 RIDGE ROAD, LLC Submitted

968.0  
CA 19-00720

MATTHEW BALDAUF

V

MICHAEL GAMBINO

Appeal from an order of the Supreme Court, Erie County (Mark A. Montour, J.), entered February 22, 2019. The order denied defendant's motion for summary judgment and granted plaintiffs' cross-motion for summary judgment on the issue of negligence.

CORY J. WEBER for MICHAEL GAMBINO 10 minutes

NICHOLAS A. ROMANO for MATTHEW BALDAUF 10 minutes

DAY CALENDAR  
Monday, September 23, 2019 - 10:00 AM  
HON. SAMUEL L. GREEN COURTROOM

969.0  
CA 19-01633

UPSTATE JOBS PARTY  
V  
DUSTIN M. CZARNY

Appeal from a decision, order and judgment of the Supreme Court,  
Onondaga County (Norman W. Seiter, Jr., J.), entered September 4, 2019.  
The decision, order and judgment denied and dismissed the action.

MICHAEL A. BURGER for FRANK MACKAY	Submitted
RYAN S. SUSER for DUSTIN M. CZARNY	Submitted
BRIAN D. GINSBERG for DOUGLAS A. KELLNER	Submitted
ROBERT A. DURR for PETER S. KOSINSKI	Submitted

DAY CALENDAR  
Thursday, October 3, 2019 - 10:00 AM  
HON. SAMUEL L. GREEN COURTROOM

970.0  
CAE 19-01765

**JOHN L. DEMARCO**  
**V**  
**MONROE CO. BD. OF ELECTIONS**

Appeal from a decision, order and judgment of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered September 10, 2019, in a proceeding pursuant to article 16 of the Election Law. The decision, order and judgment dismissed the petition.

<b>JAMES E. WALSH for JOHN L. DEMARCO</b>	<b>Submitted</b>
<b>MATTHEW D. BROWN for MONROE CO. BD. OF ELECTIONS</b>	<b>Submitted</b>
<b>NATHAN A. VAN LOON for KAREN BAILEY TURNER</b>	<b>Submitted</b>
<b>MICHAEL T. ANSALDI for MICHAEL L. DOLLINGER</b>	<b>Submitted</b>
<b>MICHAEL A. BURGER for KYLE R. STEINEBACH</b>	<b>Submitted</b>



