

DAY CALENDAR
Tuesday, April 4, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

464.0
TP 16-00040

DAVID READ
V
JAMES THOMPSON

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, Erie County [Penny M. Wolfgang, J.], entered January 11, 2016) to review a determination of respondents. The determination found after a tier III hearing that petitioner had violated various inmate rules.

DAVID READ for HIMSELF Submitted

PETER H. SCHIFF for JAMES THOMPSON Submitted

465.0
KA 15-00852

PEOPLE
V
CODY TESTERMAN

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered April 17, 2014. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

DEBORAH K. JESSEY for CODY TESTERMAN Submitted

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

466.0
KA 15-00474

PEOPLE
V
ANTHONY N. MORGAN

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered October 14, 2014. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

JAMES A. HOBBS for ANTHONY N. MORGAN Submitted

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

467.0
KA 15-01034

PEOPLE
V
CLAUDIE V. GOODENOW, JR.

Appeal from a judgment of the Allegany County Court (Thomas P. Brown, J.), rendered April 23, 2105. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the third degree, criminal possession of a controlled substance in the seventh degree and conspiracy in the fifth degree.

CARA A. WALDMAN for CLAUDIE V. GOODENOW, JR. Submitted

KEITH A. SLEP for THE PEOPLE OF THE STATE OF NEW YORK Submitted

468.0
KA 15-00001

PEOPLE
V
GREGORY BAIRD

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered October 14, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

JAMES A. HOBBS for GREGORY BAIRD 5 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

471.0
KA 15-00114

PEOPLE
V
SHEMARIAH L. OWENS

Appeal from a judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), rendered January 12, 2015. The judgment convicted defendant, upon a jury verdict, of sexual abuse in the first degree (two counts) and endangering the welfare of a child (two counts).

CHARLES J. GREENBERG for SHEMARIAH L. OWENS 10 minutes

BARRY L. PORSCHE for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

472.0
KA 16-01961

PEOPLE
V
NATHAN J. ROSEKRANS

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered May 4, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

ANDREW MANCILLA for NATHAN J. ROSEKRANS 30 minutes

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

473.0
KA 15-01067

PEOPLE
V
RONALD HOUGH, JR.

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered April 8, 2015. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree, attempted murder in the first degree and criminal possession of a weapon in the second degree.

BARBARA J. DAVIES for RONALD HOUGH, JR. 10 minutes

JULIE BENDER FISKE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

474.0
CA 16-01398

IN THE MATTER OF
LIBERTY MUTUAL INSURANCE COMPANY
(MIA KADAH)

Appeal from an order of the Supreme Court, Onondaga County (Walter W. Hafner, Jr., A.J.), entered January 8, 2016. The order denied the petition for a stay of arbitration.

LISA M. DIAZ-ORDAZ for LIBERTY MUTUAL INSURANCE COMPANY 10 minutes

MATTHEW J. KAISER for MIA KADAH 10 minutes

475.0
CA 16-01399

IN THE MATTER OF
LIBERTY MUTUAL INSURANCE COMPANY
(MIA KADAH)

Appeal from an order of the Supreme Court, Onondaga County (Walter W. Hafner, Jr., A.J.), entered June 8, 2016. The order denied the motion of petitioner for leave to renew or reargue.

	LISA M. DIAZ-ORDAZ for LIBERTY MUTUAL INSURANCE COMPANY	Submitted
	MATTHEW J. KAISER for MIA KADAH	Submitted
476.0 CAF 15-01696	CHARLA SHONYO V BRIAN SHONYO	
	Appeal from an order of the Family Court, Onondaga County (William W. Rose, R.), entered September 14, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner Charla Shonyo residential custody of the subject children.	
	JOHN A. CIRANDO for BRIAN SHONYO	10 minutes
	CHARLA SHONYO for HERSELF	Submitted
	THEODORE W. STENUF, ATTORNEY FOR CHILD	10 minutes
477.0 CA 16-01697	ORTHO-CLINICAL DIAGNOSTICS, INC. V ASPEN SPECIALTY INSURANCE COMPANY	
	Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered June 3, 2016. The order granted the motion of defendants Apen Specialty Insurance Company and Aspen Insurance UK Limited for summary judgment and dismissed the complaint and the third-party complaint.	
	MARK T. WHITFORD, JR., for ORTHO-CLINICAL DIAGNOSTICS, INC.	15 minutes
	JONATHAN GLASSER for ASPEN SPECIALTY INSURANCE COMPANY	15 minutes
478.0 CA 16-01721	RICHARD J. WALLENHORST, II V JAMES R. WALLENHORST	
	Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered May 4, 2016. The order denied plaintiff's motion for summary judgment.	
	STEPHEN W. GEBO for RICHARD J. WALLENHORST, II	10 minutes
	DAVID PETER ANTONUCCI for JAMES R. WALLENHORST	10 minutes
	JEFFREY RICHARD MARTIN for ELAINE L. BERG	Submitted
479.0 CA 16-01957	TOWN OF CICERO V LAKESHORE ESTATES, LLC	
	Appeal from a judgment (denominated order) of the Supreme Court, Onondaga County (Walter W. Hafner, Jr., A.J.), entered January 12, 2016. The judgment denied the petition without prejudice.	
	JOHN JOSEPH MARZOCCHI for TOWN OF CICERO	5 minutes
	OVADIA AVRAHAM for HIMSELF	Submitted
480.0 CA 16-01942	JOSEPH MELI V SAFWAY SERVICES, LLC	SETTLED

Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), entered April 15, 2016. The order, insofar as appealed from, denied the motion of defendant for summary judgment.

NICHOLAS DICESARE for SAFWAY SERVICES, LLC

DONYELLE E. CRAPSI for JOSEPH MELI

481.0
CA 16-01699

**IN THE MATTER OF
CITY OF BUFFALO
(BUFFALO POLICE BENEVOLENT ASSOCIATION)**

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered November 18, 2015. The order and judgment, among other things, denied the petition to vacate an arbitration award.

MARY B. SCARPINE for CITY OF BUFFALO

10 minutes

IAN HAYES for BUFFALO POLICE BENEVOLENT ASSOCIATION

10 minutes

482.0
CA 16-01843

**CHERYL KENDALL
V
DANIEL CASSIDY**

Appeal from an order of the Supreme Court, Cattaraugus County (Michael L. Nenno, A.J.), entered April 11, 2016. The order, insofar as appealed from, denied the motion of defendant Paul Kleindienst for summary judgment dismissing the complaint.

CHRISTOPHER A. GUETTI for PAUL KLEINDIENST

15 minutes

MO J. ATHARI for CHERYL KENDALL

10 minutes

483.0
CA 16-02020

**STATE OF NEW YORK
V
ESSEX PROPERTY MANAGEMENT, LLC**

Appeal from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered January 4, 2006. The order denied without prejudice the application of petitioner for authority to enter certain real property.

KATHLEEN M. LANDERS for STATE OF NEW YORK

10 minutes

ROBERT JEFFREY SANT for ESSEX PROPERTY MANAGEMENT, LLC

10 minutes

484.0
TP 16-00608

**KRISTEN PONICHTERA
V
UNIVERSITY AT BUFFALO**

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, Erie County [Frederick J. Marshall, J.], entered April 14, 2016) to review a determination of respondent. The determination dismissed petitioner from the Nurse Anesthesia Doctor of Nursing Practice Program.

FRANK BOGULSKI for KRISTEN PONICHTERA

10 minutes

KATE H. NEPVEU for UNIVERSITY AT BUFFALO

10 minutes

485.0
CAF 16-01279

**IN THE MATTER OF
OLIVIA S.**

Appeal from an order of the Family Court, Wyoming County (Michael F. Griffith, J.), entered July 15, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, transferred respondent's guardianship and custody rights with respect to the subject child to petitioner.

ADAM W. KOCH for DAWN S.

15 minutes

JANET LYNN BENSMAN for WYOMING CO. DEPT. OF SOCIAL SERVICES

15 minutes

PETER M. CASEY, ATTORNEY FOR CHILD

Submitted

**486.0
CA 16-02050**

SANDRA J. SLACER

V

JOHN M. KEARNEY

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered February 11, 2016. The order denied the motion of defendant for summary judgment, granted the cross motion of plaintiff for summary judgment and determined the boundary line between parcels of real property owned by the parties.

DERRICK A. SPATORICO for JOHN M. KEARNEY

15 minutes

CRAIG D. CHARTIER for SANDRA J. SLACER

5 minutes