

**DAY CALENDAR**  
**Wednesday, April 4, 2018 - 10:00 AM**  
**COURTROOM 2**

477.0  
KA 16-00449

**PEOPLE**  
**V**  
**WILLIAM TYES**

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered March 16, 2016. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

BARBARA J. DAVIES for WILLIAM TYES Submitted

DAVID A. HERATY for PEOPLE OF THE STATE OF NEW YORK Submitted

478.0  
KA 16-00559

**PEOPLE**  
**V**  
**MICHELE A. CASE**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered August 22, 2014. The judgment convicted defendant, upon a jury verdict, of grand larceny in the third degree.

ERIN A. KULESUS for MICHELE A. CASE 15 minutes

MELISSA L. CIANFRINI for PEOPLE OF THE STATE OF NEW YORK 15 minutes

479.0  
KA 16-00892

**PEOPLE**  
**V**  
**EDWARD BISHOP**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered April 4, 2016. The judgment convicted defendant, upon a nonjury verdict, of animal fighting.

DAVID J. PAJAK for EDWARD BISHOP Submitted

DAVID A. HERATY for PEOPLE OF THE STATE OF NEW YORK Submitted

480.0  
KA 15-00913

**PEOPLE**  
**V**  
**DESMOND WASHINGTON**

Appeal from a judgment of the Herkimer County Court (John H. Crandall, J.), rendered December 9, 2014. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (two counts).

PETER J. DIGIORGIO, JR., for DESMOND WASHINGTON 10 minutes

ROBERT R. CALLI, JR., for PEOPLE OF THE STATE OF NEW YORK 10 minutes

481.0  
KA 13-00469

**PEOPLE**  
**V**  
**BENJAMIN D. POHL**

Appeal from a judgment of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.), rendered July 23, 2012. The judgment convicted defendant, upon a jury verdict, of aggravated criminal contempt (four counts), unlawful imprisonment in the second degree, assault in the third degree and attempted assault in the second degree.

	FRANK M. BOGULSKI for BENJAMIN D. POHL	15 minutes
	LAURA T. BITTNER for PEOPLE OF THE STATE OF NEW YORK	10 minutes
482.0 KA 16-00750	<b>PEOPLE</b> V <b>CHRISTOPHER J. PERKINS</b>	
	Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered April 27, 2016. The judgment convicted defendant, upon a non jury verdict, of murder in the second degree (two counts), attempted murder in the second degree and criminal possession of a weapon in the second degree.	
	NICHOLAS P. DIFONZO for CHRISTOPHER J. PERKINS	10 minutes
	MICHAEL J. HILLERY for PEOPLE OF THE STATE OF NEW YORK	10 minutes
483.0 KA 16-00155	<b>PEOPLE</b> V <b>JASON A. BARNHART</b>	
	Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.); entered November 12, 2015. The judgment revoked defendant's probation and imposed a term of imprisonment.	
	MICHAEL S. DEAL for JASON A. BARNHART	Submitted
	SHIRLEY A. GORMAN for PEOPLE OF THE STATE OF NEW YORK	Submitted
484.0 KA 16-00447	<b>PEOPLE</b> V <b>GUADALUPE HERNANDEZ, II</b>	
	Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered March 15, 2016. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.	
	SARAH A. O'BRIEN for GUADALUPE HERNANDEZ, II	Submitted
	SHIRLEY A. GORMAN for PEOPLE OF THE STATE OF NEW YORK	Submitted
485.0 KA 15-01409	<b>PEOPLE</b> V <b>DESMOND WASHINGTON</b>	
	Appeal from a judgment of the Herkimer County Court (John H. Crandall, J.), rendered May 6, 2015. The judgment convicted defendant, upon his plea of guilty, to criminal possession of a controlled substance in the third degree.	
	PETER J. DIGIORGIO, JR., for DESMOND WASHINGTON	10 minutes
	JEFFREY S. CARPENTER for PEOPLE OF THE STATE OF NEW YORK	10 minutes
486.0 KA 16-02248	<b>PEOPLE</b> V <b>ERNEST LOTT</b>	
	Appeal from an order of the Erie County Court (David W. Foley, J.), entered September 28, 2016. The order determined that defendant is a level three risk, pursuant to the Sex Offender Registration Act	
	TIMOTHY P. MURPHY for ERNEST LOTT	Submitted

	<b>MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>487.0</b> <b>CA 17-01174</b>	<b>ESTHER CASSATT</b> <b>V</b> <b>ZIMMER, INC.</b>	
	<b>Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered October 13, 2016. The order granted the motion of defendants for summary judgment and dismissed the complaint.</b>	
	<b>MARK H. CANTOR for ESTHER CASSATT</b>	<b>15 minutes</b>
	<b>PETER A. MEYER for ZIMMER, INC.</b>	<b>15 minutes</b>
<b>488.0</b> <b>CA 17-01175</b>	<b>ESTHER CASSATT</b> <b>V</b> <b>ZIMMER, INC.</b>	
	<b>Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered February 23, 2017. The order denied the motion of plaintiff for reargument and renewal.</b>	
	<b>MARK H. CANTOR for ESTHER CASSATT</b>	<b>Submitted</b>
	<b>PETER A. MEYER for ZIMMER, INC.</b>	<b>Submitted</b>
<b>489.0</b> <b>CA 17-01296</b>	<b>ARIANA WHITE</b> <b>V</b> <b>MAURICE MAYFIELD</b>	
	<b>Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered October 26, 2016. The order, insofar as appealed from, denied defendant Buffalo Auto Rental, Inc.'s motion for summary judgment.</b>	
	<b>KEVIN ARTHUR LANE for BUFFALO AUTO RENTAL, INC.</b>	<b>10 minutes</b>
	<b>ERIC M. SHELTON for ARIANA WHITE</b>	<b>10 minutes</b>
<b>490.0</b> <b>CA 17-01746</b>	<b>ARIANA WHITE</b> <b>V</b> <b>MAURICE MAYFIELD</b>	
	<b>Appeal and cross appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, J.), entered June 23, 2017. The order, among other things, denied in part plaintiff's motion for summary judgment and denied defendant Buffalo Auto Rental, Inc.'s motion for summary judgment.</b>	
	<b>KEVIN ARTHUR LANE for BUFFALO AUTO RENTAL, INC.</b>	<b>Submitted</b>
	<b>ERIC M. SHELTON for ARIANA WHITE</b>	<b>Submitted</b>
<b>491.0</b> <b>CA 17-02051</b>	<b>KYLE MONTERRO</b> <b>V</b> <b>KIRK K. KEIN</b>	
	<b>Appeal and cross appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered March 27, 2017. The order granted in part and denied in part the motion of defendants for summary judgment on the issue of serious injury and denied the motion of plaintiff for summary judgment on the issues of negligence and serious injury.</b>	
	<b>MEGHAN M. BROWN for KIRK K. KEIN</b>	<b>15 minutes</b>
	<b>JOSHUA ISRAEL RAMOS for KYLE MONTERRO</b>	<b>15 minutes</b>

492.0 CA 17-01947	<p><b>SHELDON L. MCGRUFF</b> V <b>LESLIE A. MALLORY</b></p> <p>Appeal from an order of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered August 23, 2017. The order, insofar as appealed from, denied the motion of plaintiff for the cost of alternate service.</p> <p><b>ERIC B. GROSSMAN</b> for <b>SHELDON L. MCGRUFF</b> <span style="float: right;">10 minutes</span></p> <p><b>LEAH A. COSTANZO</b> for <b>LESLIE A. MALLORY</b> <span style="float: right;">10 minutes</span></p>
493.0 CA 17-01932	<p><b>BEVERLY A. RANNEY</b> V <b>TONAWANDA CITY SCHOOL DISTRICT</b></p> <p>Appeal from an order of the Supreme Court, Erie County (J. David Sampson, A.J.), entered February 2, 2017. The order denied the motion of defendant for summary judgment dismissing the complaint.</p> <p><b>DUANE D. SCHOONMAKER</b> for <b>TONAWANDA CITY SCHOOL DISTRICT</b> <span style="float: right;">10 minutes</span></p> <p><b>A. ANGELO DIMILLO</b> for <b>BEVERLY A. RANNEY</b> <span style="float: right;">10 minutes</span></p>
494.0 CA 17-02147	<p><b>CREEDON M. CLAUSE</b> V <b>GLOBE METALLURGICAL, INC.</b></p> <p>Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, Sr., J.), entered February 23, 2017. The order denied plaintiffs motion for partial summary judgment.</p> <p><b>ALAN D. VOOS</b> for <b>CREEDON M. CLAUSE</b> <span style="float: right;">10 minutes</span></p> <p><b>ALBERT J. D'AQUINO</b> for <b>GLOBE METALLURGICAL, INC.</b> <span style="float: right;">10 minutes</span></p>
495.0 CA 17-01680	<p><b>DAVID C. BUCHWALD</b> V <b>1307 PORTERVILLE ROAD, LLC</b></p> <p>Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered April 27, 2017. The order granted the motion of defendant for summary judgment and dismissed the complaint.</p> <p><b>KATHERINE M. LIEBNER</b> for <b>DAVID C. BUCHWALD</b> <span style="float: right;">15 minutes</span></p> <p><b>ALLYSON C. CULLITON</b> for <b>1307 PORTERVILLE ROAD, LLC</b> <span style="float: right;">10 minutes</span></p>
496.0 CA 17-00595	<p><b>WILLIAM MCKETHAN</b> V <b>DAVID STALLONE</b></p> <p>Appeal from a memorandum decision and order of the Supreme Court, Cayuga County (Thomas G. Leone, J.), entered January 31, 2017. The memorandum decision and order granted the motion of respondent to dismiss the petition and dismissed the CPLR article 78 petition</p> <p><b>WILLIAM MCKETHAN</b> for <b>HIMSELF</b> <span style="float: right;">Submitted</span></p> <p><b>ROBERT M. GOLDFARB</b> for <b>DAVID STALLONE</b> <span style="float: right;">Submitted</span></p>
497.0 CA 17-00801	<p><b>DANNY P. DUNN, SR.</b> V <b>COUNTY OF NIAGARA</b></p>

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered January 10, 2017. The order, insofar as appealed from, granted the motion of defendant Russell Jackman for summary judgment to the extent of declaring that defendant County of Niagara is obligated to provide him with a defense.

CHARLES E. GRANEY for COUNTY OF NIAGARA

10 minutes

MICHAEL T. COUTU for RUSSELL JACKMAN

10 minutes

498.0  
CA 17-00593

THEODORE HAYNES

V

ANTHONY ANNUCCI

Appeal from a decision and order of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered February 6, 2017. The decision and order dismissed the CPLR article 78 petition.

ADAM W. KOCH for THEODORE HAYNES

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted