

DAY CALENDAR
Friday, April 6, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

524.0
KA 16-01490

PEOPLE
V
PHILIP R. AYALA

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, J.), rendered July 8, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

MICHAEL S. DEAL for **PHILIP R. AYALA** Submitted

MELISSA L. CIANFRINI for **PEOPLE OF THE STATE OF NEW YORK** Submitted

525.0
KA 16-00619

PEOPLE
V
MICKEY R. BOYD

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered March 1, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the second degree, criminal possession of a controlled substance in the third degree (two counts) and criminal use of drug paraphernalia in the second degree (three counts).

ANJAN K. GANGULY for **MICKEY R. BOYD** Submitted

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

526.0
KA 16-01317

PEOPLE
V
SHAWN HERRINGTON

Appeal from a judgment of the Erie County Court (Penny M. Wolfgang, J.), rendered July 19, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree

TIMOTHY P. MURPHY for **SHAWN HERRINGTON** Submitted

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

527.0
KA 15-01104

PEOPLE
V
HARVERT STEPHENS

Appeal from a judgment of the Onondaga County Court (James Cecile, A.J.), entered April 28, 2015. The judgment revoked defendant's probation and imposed a term of imprisonment.

KRISTEN MCDERMOTT for **HARVERT STEPHENS** Submitted

JAMES P. MAXWELL for **PEOPLE OF THE STATE OF NEW YORK** Submitted

528.0
KA 15-01105

PEOPLE
V
HARVERT STEPHENS

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered April 28, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree.

KRISTEN MCDERMOTT for HARVERT STEPHENS Submitted

JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK Submitted

529.0
KA 16-01122

PEOPLE
V
KENNETH NEELY

Appeal from a judgment of the Supreme Court, Erie County (John L. Michalski, A.J.), rendered May 20, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the first degree and sexual misconduct.

KRISTIN M. PREVE for KENNETH NEELY Submitted

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

530.0
KA 17-01061

PEOPLE
V
MICHAEL C. JANOWSKY

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered August 17, 2015. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree.

ROBERT L. KEMP for MICHAEL C. JANOWSKY Submitted

DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK Submitted

531.0
KA 15-01854

PEOPLE
V
MICHAEL C. JANOWSKY

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered August 17, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

ROBERT L. KEMP for MICHAEL C. JANOWSKY Submitted

DANIEL J. PUNCH for PEOPLE OF THE STATE OF NEW YORK Submitted

532.0
KA 16-00921

PEOPLE
V
TARELL SMITH

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered March 9, 2016. The judgment convicted defendant, upon a non jury verdict, of criminal possession of a weapon in the second degree.

BARBARA J. DAVIES for TARELL SMITH 5 minutes

JULIE BENDER FISKE for PEOPLE OF THE STATE OF NEW YORK 5 minutes

533.0
KA 15-01936

PEOPLE
V
RUBEN R. SMITH

Appeal from a judgment of the Monroe County Court (Vincent M. DiNolfo, J.), rendered April 23, 2015. The judgment convicted defendant, upon his plea of guilty, of falsifying business records in the first degree.

DREW R. DUBRIN for RUBEN R. SMITH

Submitted

DANIEL GROSS for PEOPLE OF THE STATE OF NEW YORK

Submitted

534.0
KA 16-00005

PEOPLE
V
DARNELL CREDELL

Appeal from a judgment of the Jefferson County Court (Kim Hawn Martusewicz, J.), rendered November 30, 2015. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree.

BRIDGET L. FIELD for DARNELL CREDELL

10 minutes

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

Submitted

535.0
CAF 17-00120

JOHN F. GREENE
V
BROOKE D. KRANOCK

Appeal from an order of the Family Court, Allegany County (Thomas P. Brown, J.), entered November 10, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner primary placement with the subject child.

JOSEPH P. MILLER for BROOKE D. KRANOCK

10 minutes

MARK FOTI for JOHN F. GREENE

10 minutes

CAROLYN KELLOGG-JONAS, ATTORNEY FOR CHILD

Submitted

537.0
CAF 16-01195

In the Matter of
RAVEN F.

Appeal from a decision and order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered June 28, 2016, in a proceeding pursuant to Family Court Act article 10. The decision and order found, insofar as appealed from, that the subject child was neglected by Nicholas F.

DAVID J. PAJAK for NICHOLAS F.

Submitted

JAMES E. BROWN for ERIE COUNTY D.S.S.

Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

Submitted

538.0
CAF 16-01996

In the Matter of
IRIS R.L.F.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered October 13, 2016, in a proceeding pursuant to Family Court Act article 10. The order granted the motion of petitioner for summary judgment.

DAVID J. PAJAK for NICHOLAS F.

Submitted

JAMES E. BROWN for ERIE COUNTY D.S.S.

Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

Submitted

539.0
CA 17-01703

PILOT TRAVEL CENTERS, LLC
V
TOWN BOARD OF TOWN OF BATH

Appeal from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered July 7, 2017 in a proceeding pursuant to CPLR article 78. The order denied the petition.

DANIEL ALAN SPITZER for PILOT TRAVEL CENTERS, LLC 15 minutes

JEFFREY E. SQUIRES for TOWN BOARD OF TOWN OF BATH 15 minutes

JOHN J. HENRY for LOVE'S TRAVEL STOPS & COUNTRY STORE 15 minutes

540.0
CA 17-01948

MICHAEL C. TENNANT
V
SHARON R. LASCELLE

Appeal from an order of the Supreme Court, Niagara County (Daniel J. Furlong, J.), entered December 10, 2017. The order granted defendants' motion for summary judgment dismissing plaintiff's complaint.

JOHN A. COLLINS for MICHAEL C. TENNANT 10 minutes

RACHEL A. EMMINGER for SHARON R. LASCELLE 10 minutes

541.0
CA 17-02115

OSI RESTAURANT PARTNERS, LLC **SETTLED**
V
IPT, LLC

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered September 25, 2017. The order, insofar as appealed from, denied defendant's motion to dismiss all claims against it.

DONALD E. FRECHETTE for IPT, LLC

JOHN G. POWERS for OSI RESTAURANT PARTNERS, LLC

542.0
CA 17-02133

ACCADIA SITE CONTRACTING, INC.
V
LIPSITZ GREEN SCIME CAMBRIA LLP

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered February 23, 2017. The order denied plaintiff's motion for partial summary judgment and granted defendants' cross motion for summary judgment dismissing the complaint.

PHILLIP A. OSWALD for ACCADIA SITE CONTRACTING, INC. 10 minutes

CHRISTOPHER J. LARRABEE for LIPSITZ GREEN SCIME CAMBRIA LLP 10 minutes

543.0
CA 17-01915

JACOB STILLMAN
V
MOBILE MOUNTAIN, INC.

Appeal from an order of the Supreme Court, Erie County (Mark J. Grisanti, A.J.), entered March 28, 2017. The order, insofar as appealed from, denied the motion of defendant Mobile Mountain, Inc., for summary judgment dismissing plaintiff's negligence cause of action.

JEFFREY P. DIPALMA for MOBILE MOUNTAIN, INC. 15 minutes

LAWLOR F. QUINLAN, III, for JACOB STILLMAN 10 minutes

544.0
CA 17-02132

**PILOT TRAVEL CENTERS, LLC
V
TOWN BOARD OF TOWN OF BATH**

Appeal from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered October 2, 2017 in a proceeding pursuant to CPLR article 78. The order dismissed the petition.

DANIEL A. SPITZER for PILOT TRAVEL CENTERS, LLC 15 minutes

JEFFREY E. SQUIRES for TOWN BOARD OF TOWN OF BATH 15 minutes

545.0
CA 17-01940

**NORTH GEDDES STREET PROPERTIES, LLC
V
IGLESIA MISIONERA MONTE DESION**

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered February 14, 2017. The order, among other things, granted plaintiff's motion for partial summary judgment.

GARY H. COLLISON for IGLESIA MISIONERA MONTE DESION 10 minutes

NICOLE MARLOW-JONES for N. GEDDES STREET PROPERTIES, LLC 10 minutes

546.0
CA 17-02122

**In the Matter of Arbitration Between
TOWN OF TONAWANDA
(TOWN OF TONAWANDA SALARIED WORKERS' ASSOCIATION)**

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered October 5, 2017 in a proceeding pursuant to CPLR article 75. The order, among other things, granted the petition.

PAUL DAVID WEISS for TOWN OF TONAWANDA SALARIED WORKERS' 15 minutes

SEAN PATRICK BEITER for TOWN OF TONAWANDA 15 minutes

KRISTIN K. WHEATON for L. EDWARD ALLEN Submitted