

DAY CALENDAR
Tuesday, February 28, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

260.0
CA 16-01329

AIDEN GONZALEZ
V
TAMMY POVOSKI

Appeal and cross appeals from a decision and order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered October 2, 2015. The decision and order denied the respective motions and cross motions of the parties for summary judgment.

CHRISTINE GASSER for VILLAGE OF ADDISON	15 minutes
CHRISTOPHER G. JOHNSON for ELIZABETH SNOW	10 minutes
SHEILA FINN SCHWEDES for TAMMY POVOSKI	Submitted
LAUREN M. MILLER for SULLIVAN TRAIL CONSTRUCTION CO., INC.	10 minutes
PATRICIA A. MOONEY for CORNING NATURAL GAS CORPORATION	15 minutes

243.0
KA 14-01655

PEOPLE
V
JOSEPH ELIOFF

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered March 21, 2014. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.

PIOTR BANASIAK for JOSEPH ELIOFF	Submitted
JAMES P. MAXWELL for PEOPLE OF THE STATE OF NEW YORK	Submitted

244.0
KA 14-00207

PEOPLE
V
WESLEY A. SMITH

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered December 3, 2013. The judgment convicted defendant, upon his plea of guilty, of rape in the second degree (two counts).

JANET C. SOMES for WESLEY A. SMITH	Submitted
STEPHEN X. O'BRIEN for PEOPLE OF THE STATE OF NEW YORK	Submitted

245.0
KA 14-01059

PEOPLE
V
WAYNE A. PRYCE

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered October 2, 2013. The judgment convicted defendant, upon his plea of guilty, of bail jumping in the second degree

JOHN A. CIRANDO for WAYNE A. PRYCE	10 minutes
JASON A. MACBRIDE for PEOPLE OF THE STATE OF NEW YORK	5 minutes

246.0
KA 14-00479

PEOPLE
V
TERRENCE D. BEARD

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered February 24, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree (two counts).

MARY P. DAVISON for TERRENCE D. BEARD 5 minutes

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK 5 minutes

247.0
KA 16-00427

PEOPLE
V
CARL N. LIGHTFOOT

Appeal from a judgment of the Niagara County Court (Sara Sheldon, J.), rendered January 13, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

JOSEPH G. FRAZIER for CARL N. LIGHTFOOT Submitted

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

248.0
TP 15-00796

KHALID EMERSON
V
NYS OFFICE OF CHILDREN AND FAMILY SERVICES

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, Erie County [John A. Michalek, J.], entered May 8, 2015 to review a determination of respondent. The determination denied the application of petitioner to amend an indicated report of child abuse.

DIANE MARIE CIURCZAK for KHALID EMERSON Submitted

JOSEPH M. SPADOLA for NYS OFFICE OF CHILDREN & FAMILY SERVS. Submitted

249.0
TP 16-01478

MICHAEL LAFFERTY
V
ANTHONY ANNUCCI

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by an order of the Supreme Court, Wyoming County [Michael M. Mohun, A.J.], entered August 26, 2016) to review a determination of respondent. The determination revoked petitioner's parole.

LEAH R. NOWOTARSKI for MICHAEL LAFFERTY Submitted

FRANK BRADY for ANTHONY ANNUCCI Submitted

250.0
KA 14-00990

PEOPLE
V
WAYNE A. PRYCE

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered January 11, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

JOHN A. CIRANDO for WAYNE A. PRYCE 10 minutes

JASON A. MACBRIDE for PEOPLE OF THE STATE OF NEW YORK 5 minutes

251.0
KAH 14-00819

PEOPLE EX REL.
ERICK M. CAMPBELL
V
SUPERINTENDENT J. COLVIN

Appeal from a decision, order and judgment of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered January 16, 2014. The decision, order and judgment, insofar as appealed from, denied the motion of petitioner for default judgment and denied and dismissed the application for a writ of habeas corpus.

PETER J. DIGIORGIO, JR., for ERICK M. CAMPBELL 10 minutes

BRIAN D. GINSBERG for SUPERINTENDENT J. COLVIN 10 minutes

252.0
CAF 16-00650

CLIFFORD E. DRAKE
V
BELLE ROSE RILEY

Appeal from an order of the Family Court, Steuben County (Gerald J. Alonzo, Jr., J.), entered April 6, 2016, in a proceeding pursuant to Family Court Act article 8. The order, among other things, directed respondent to refrain from having any contact with petitioner.

MARY P. DAVISON for BELLE ROSE RILEY 5 minutes

CHRISTINE M. VALKENBURGH for CLIFFORD E. DRAKE 5 minutes

WENDY S. SISSON, ATTORNEY FOR CHILD 5 minutes

253.0
CAF 16-00919

DIANA HARRISON
V
STEVEN HARRISON

Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered August 15, 2015 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objections to an order of the Support Magistrate, which dismissed the petition with prejudice.

KRISTIN L. ARCURI for DIANA HARRISON Submitted

KEITH IRWIN KADISH for STEVEN HARRISON Submitted

254.0
CA 16-01395

JACOB MARTINEZ
V
CITY OF BUFFALO

Appeal and cross appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered November 9, 2015. The order denied the motion of plaintiff for summary judgment on negligence, granted the motion of plaintiff for summary judgment on the issue of serious injury and declared that the reckless disregard standard of Vehicle and Traffic Law § 1103 (b) applies.

JOHN A. COLLINS for JACOB MARTINEZ 10 minutes

DAVID M. LEE for CITY OF BUFFALO 10 minutes

255.0
CA 16-01300

CHRISTINE M. MICHAEL
V
GINA M. WAGNER

Appeal from an order of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered January 11, 2016. The order, among other things, denied defendant Gina M. Wagner's cross motion for summary judgment dismissing plaintiff's complaint.

LAURENCE D. BEHR for GINA M. WAGNER 10 minutes

	JOHN A. COLLINS for CHRISTINE M. MICHAEL	10 minutes
256.0 CA 16-00835	DAVID J. PACY V COWEN HOLDINGS, INC.	
	Appeal from an order of the Supreme Court, Chautauqua County (Paul B. Wojtaszek, J.), entered February 2, 2016. The order granted the motion of defendants Alliance Laundry Holdings, LLC, Alliance Laundry Systems, LLC, and Raytheon Commercial Laundry, LLC, for summary judgment dismissing plaintiffs' complaint.	
	JOHN A. COLLINS for DAVID J. PACY	10 minutes
	THOMAS JOSEPH SPEYER for COWEN HOLDINGS, INC.	15 minutes
257.0 CA 16-01739	TIME CAP DEVELOPMENT CORP. V COLONY INSURANCE COMPANY	
	Appeal and cross appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered September 9, 2016. The order and judgment denied the motion of defendant/third-party plaintiff, Colony Insurance Company for renewal of its prior cross motion for summary judgment and denied the cross motion of third-party defendant Cincinnati Insurance Company for summary judgment	
	S. DWIGHT STEPHENS for COLONY INSURANCE COMPANY	10 minutes
	KEVIN R. VAN DUSER for TIME CAP DEVELOPMENT CORP.	10 minutes
	FRANK MISITI for CINCINNATI INSURANCE COMPANY	15 minutes
258.0 CA 16-01580	REBECCA A. AMERMAN V CAITLYN S. REEVES	
	Appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered March 8, 2016. The order denied the motion of plaintiff for summary judgment on the issue of negligence against defendant Alan M. Brown.	
	MICHAEL G. BERSANI for REBECCA A. AMERMAN	10 minutes
	JUSTIN P. HARMOM for ALAN M. BROWN	10 minutes
259.0 CA 16-01328	JENNIFER WAITE V TOWN OF CHAMPION	
	Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J., entered December 16, 2015. The order dismissed the verified CPLR article 78 petition.	
	BRADLEY M. PINSKY for JENNIFER WAITE	15 minutes
	ROBERT JAMES SLYE for TOWN OF CHAMPION	10 minutes
263.0 CA 15-01920	TIME CAP DEVELOPMENT CORP. V COLONY INSURANCE COMPANY	

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered July 21, 2015. The order and judgment, among other things, denied the cross motion of third-party plaintiff-appellant seeking a declaration that third-party defendant is a co-insurer for plaintiff on a 50/50 basis in the underlying action.

S. DWIGHT STEPHENS for COLONY INSURANCE COMPANY	10 minutes
KEVIN R. VAN DUSER for TIME CAP DEVELOPMENT CORP.	10 minutes
FRANK MISITI for CINCINNATI INSURANCE COMPANY	15 minutes