

DAY CALENDAR
Monday, March 6, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

333.0
TP 16-01392

TARA DIXON FUNDERGURG
V
NYS OFFICE OF CHILDREN AND FAMILY SERVICES

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 [Deborah A. Chimes, J.], entered August 9, 2016) to review a determination of respondent. The determination limited and revoked petitioner's license to operate a group family day care.

CANDACE LAUREN MORRISON for TARA DIXON FUNDERGURG 10 minutes

PATRICK A. WOODS for NYS OFFICE OF CHILDREN AND FAMILY SERVS. 10 minutes

334.0
KA 15-01855

PEOPLE
V
ROBERT SAFFOLD

Appeal from an order of the Onondaga County Court (Thomas J. Miller, J.), entered August 8, 2013, pursuant to the 2009 Drug Reform Act. The order denied the application of defendant to be resentenced upon defendant's 2003 conviction of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fifth degree.

EVAN B. HANNAY for ROBERT SAFFOLD Submitted

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

335.0
KA 15-01448

PEOPLE
V
JAMAL ASFOUR

Appeal from an order of the Supreme Court, Monroe County (Daniel J. Doyle, J.), entered July 2, 2015. The order determined that defendant is a level three risk, pursuant to the Sex Offender Registration Act.

KIMBERLY F. DUGUAY for JAMAL ASFOUR Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

336.0
KA 15-00922

PEOPLE
V
MAURICE R. HOWIE

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, J.), rendered June 4, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts) and robbery in the first degree (two counts).

LYLE T. HAJDU for MAURICE R. HOWIE 15 minutes

ASHLEY R. LOWRY for PEOPLE OF THE STATE OF NEW YORK 15 minutes

337.0
KA 15-01852

PEOPLE
V
RONALD HOUGH, SR.

Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered March 19, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the first degree.

KATHRYN B. FRIEDMAN for RONALD HOUGH, SR.

Submitted

MATTHEW B. POWERS for PEOPLE OF THE STATE OF NEW YORK

Submitted

338.0
KA 14-00631

PEOPLE
V
NOEL R. RIVERA

Appeal from a judgment of the Supreme Court, Monroe County (David D. Egan, J.), rendered March 21, 2011. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree and burglary in the first degree (two counts).

DAVID R. JUERGENS for NOEL R. RIVERA

5 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK

5 minutes

339.0
CAF 15-02177

In the Matter of
CHRISTIAN C.-B.

Appeals from an order of the Family Court, Livingston County (Robert B. Wiggins, J.), entered November 24, 2015 in a proceeding pursuant to Family Court Act article 10. The order, among other things, terminated the respondents' parental rights.

LYLE T. HAJDU for CHRISTOPHER V.B.

5 minutes

BRIDGET L. FIELD for RENEE E.C.

10 minutes

JOHN T. SYLVESTER for LIVINGSTON COUNTY D.S.S.

Submitted

FARES A. RUMI, ATTORNEY FOR CHILD

10 minutes

340.0
CAF 15-02107

In the Matter of
CAMERON B.

Appeal from an order of the Family Court, Chautauqua County (Jeffrey A. Piazza, J.), entered December 1, 2015, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent had neglected the subject child.

DAVID J. PAJAK for NICOLE C.

Submitted

REBECCA L. DAVISON-MARCH for CHAUTAUQUA COUNTY D.H.S.

Submitted

RACHEL LOUISE MITCHELL, ATTORNEY FOR CHILD

Submitted

341.0
CAF 16-00255

In the Matter of
CHLOE W.

Appeal from an order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered January 29, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, transferred the guardianship and custody rights of the subject child to petitioner.

LYLE T. HAJDU for AMY W.

10 minutes

STEPHEN J. RILEY for CATTARAUGUS COUNTY D.S.S.

10 minutes

SARA E. ROOK, ATTORNEY FOR CHILD

5 minutes

342.0
CAF 15-01710

WILLIAM LANTZ
V
CYNTHIA PETERS

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered September 18, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that petitioner shall have primary physical placement of the subject child.

DAVID J. PAJAK for CYNTHIA PETERS 5 minutes

KELIANN M. ARGY for WILLIAM LANTZ Submitted

EMILY A. VELLA, ATTORNEY FOR CHILD 5 minutes

343.0
CA 16-01641

RYAN M. FORRESTEL
V
MARGUERITA M.C. JONKMAN

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered December 15, 2015. The order, insofar as appealed from, denied the petition of defendant for sole custody and to limit the visitation of plaintiff.

MARGUERITA M.C. JONKMAN for HERSELF 20 minutes

JOHN P. PIERI for RYAN M. FORRESTEL 15 minutes

KRISTIN L. ARCURI, ATTORNEY FOR CHILD Submitted

344.0
CA 16-01646

RYAN M. FORRESTEL
V
MARGUERITA M.C. JONKMAN

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered December 15, 2015. The order, inter alia, denied the cross motion of defendant to compel plaintiff to abide by an order of the Family Court dated August 24, 2015.

MARGUERITA M.C. JONKMAN for HERSELF Submitted

JOHN P. PIERI for RYAN M. FORRESTEL Submitted

KRISTIN L. ARCURI, ATTORNEY FOR CHILD Submitted

345.0
CA 16-01647

RYAN M. FORRESTEL
V
MARGUERITA M.C. JONKMAN

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered December 18, 2015. The order denied the motion of defendant for recusal.

MARGUERITA M.C. JONKMAN for HERSELF Submitted

JOHN P. PIERI for RYAN M. FORRESTEL Submitted

KRISTIN L. ARCURI, ATTORNEY FOR CHILD Submitted

347.0
CA 16-00971

LINDA SCHNEIDER
V
CORPORATE PLACE, LLC

Appeal from an order of the Supreme Court, Monroe County (Debra A. Martin, A.J.), entered March 15, 2016. The order denied the motion of defendants for summary judgment.

MARC A. SCHULZ for CORPORATE PLACE, LLC

15 minutes

LEO G. FINUCANE for LINDA SCHNEIDER

15 minutes

348.0
CA 16-01296

CAITLIN WESTON

V

JOSE MARTINEZ

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered December 17, 2015. The order denied defendant Cianciana Property Management, LLC's motion for summary judgment.

BRIAN P. RILEY for CIANCIANA PROPERTY MANAGEMENT, LLC

15 minutes

LAUREN M. YANNUZZI for JOSE MARTINEZ

Submitted

LORI ROBB MONAGHAN for CAITLIN WESTON

15 minutes

349.0
CA 16-01168

TOWN OF AURORA

V

VILLAGE OF EAST AURORA

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered October 20, 2015. The order denied the motion of plaintiff for summary judgment; dismissed the complaint; and declared that plaintiff is responsible for the expenses of repairing the Brooklea Drive Bridge in the Village of East Aurora and any other bridge in the Village of East Aurora which defendant has not assumed control care and maintenance.

RONALD P. BENNETT for TOWN OF AURORA

10 minutes

PAUL DAVID WEISS for VILLAGE OF EAST AURORA

10 minutes

350.0
CA 15-02034

KAMALA D. HARRIS

V

SENECA PROMOTIONS, INC.

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered December 2, 2015. The order denied the motion of Native Wholesale Supply Company for a protective order and directed respondent Seneca Promotions, Inc., to comply with the disclosure demands of petitioner.

PATRICK J. MACKEY for NATIVE WHOLESALE SUPPLY COMPANY

10 minutes

LAURIE STYKA BLOOM for KAMALA D. HARRIS

10 minutes

351.0
CA 16-01342

JOHN C. BLASE

V

JOSEPH C. BLASE

Appeal from an order of the Supreme Court, Oneida County (Louis P. Gigliotti, A.J.), entered October 30, 2015. The order denied the motion of defendant for summary judgment.

MARK A. WOLBER for JOSEPH C. BLASE

10 minutes

MICHAEL J. LAUCELLO for JOHN C. BLASE

10 minutes

352.0
CA 15-01953

KIAMBU PORTER
V
ANTHONY ANNUCCI

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered October 27, 2015 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

ADAM W. KOCH for KIAMBU PORTER

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI

Submitted

353.0
CA 16-01570

DOLORES A. DEPCZYNSKI
V
JAMES MERMIGAS

Appeal from an order of the Supreme Court, Erie County (E. Jeannette Ogden, J.), entered June 23, 2016. The order denied defendants' motion for summary judgment dismissing plaintiff's complaint.

THOMAS PAUL DURKIN for JAMES MERMIGAS

10 minutes

ELLEN B. STURM for DOLORES A. DEPCZYNSKI

10 minutes

354.0
CA 16-01626

JOSEPH W. ROCHE
V
KATHLEEN LORENZO-ROCHE

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered May 25, 2016 in a post-divorce proceeding. The order, among other things, adjudged that defendant is entitled to the entry of a Domestic Relations Order awarding her the right to receive \$833 per month from plaintiff's New York State Teachers Retirement System pension benefit.

KELLY V. ZARCONE for JOSEPH W. ROCHE

10 minutes

KATI M. POLEON for KATHLEEN LORENZO-ROCHE

10 minutes