

**DAY CALENDAR**  
**Wednesday, February 21, 2018 - 10:00 AM**  
**COURTROOM 2**

266.0  
TP 17-01843

**JAMES NELSON**  
V  
**ANTHONY ANNUCCI**

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, Wyoming County [Michael M. Mohun, A.J.], entered October 23, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for JAMES NELSON Submitted

MARTIN A. HOTVET for ANTHONY ANNUCCI Submitted

267.0  
KA 16-00625

**PEOPLE**  
V  
**MICHAEL LAYOU**

Appeal from a judgment of the Onondaga County Court, (Thomas J. Miller, J.), rendered April 5, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fourth degree.

MICHAEL LAYOU for HIMSELF Submitted

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

268.0  
KA 15-01070

**PEOPLE**  
V  
**MILTON BURKE**

Appeal from a judgment of the Supreme Court, Onondaga County (John L. Brunetti, A.J.), rendered May 22, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the fifth degree.

ELIZABETH S. RIKER for MILTON BURKE Submitted

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

269.0  
KA 16-00888

**PEOPLE**  
V  
**BRANDON M. WEIG**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered November 9, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

MICHAEL S. DEAL for BRANDON M. WEIG Submitted

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK Submitted

270.0  
KA 16-00627

**PEOPLE**  
V  
**EDGARDO J. MERCADO-RAMOS**

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered December 2, 2015. The judgment convicted defendant, upon a jury verdict, of criminal contempt in the first degree, burglary in the first degree and criminal possession of a weapon in the third degree.

BARBARA J. DAVIES for EDGARDO J. MERCADO-RAMOS

10 minutes

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

10 minutes

271.0  
KA 14-00053

PEOPLE

V

ANACIN L. HYMES

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered October 9, 2013. The judgment convicted defendant, upon a jury verdict, of burglary in the third degree (two counts), petit larceny, and resisting arrest.

CATHERINE H. JOSH for ANACIN L. HYMES

10 minutes

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

10 minutes

272.0  
KA 15-00003

PEOPLE

V

ANACIN L. HYMES

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered May 22, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

CATHERINE H. JOSH for ANACIN L. HYMES

Submitted

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

Submitted

273.0  
KA 17-00154

PEOPLE

V

SEAN REED

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered April 21, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree, criminal possession of a controlled substance in the third degree (two counts), criminal possession of marihuana in the third degree, unlawful possession of marihuana and assault in the third degree.

PHIL MODRZYNSKI for SEAN REED

15 minutes

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

10 minutes

274.0  
KA 16-01139

PEOPLE

V

SEAN REED

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Supreme Court, Erie County (M. William Boller, A.J.), dated May 9, 2016. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of criminal possession of a weapon in the second degree, criminal possession of a controlled substance in the third degree (two counts), criminal possession of marihuana in the third degree, unlawful possession of marihuana and assault in the third degree.

PHIL MODRZYNSKI for SEAN REED

Submitted

	DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
275.0 KA 14-01872	<b>PEOPLE</b> V <b>SAMUEL J. SMITH</b>	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered August 6, 2014. The judgment convicted defendant, of attempted murder in the second degree, assault in the first degree and criminal use of a firearm in the first degree.	
	DREW R. DUBRIN for SAMUEL J. SMITH	10 minutes
	DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
276.0 KA 12-01620	<b>PEOPLE</b> V <b>EUGENE S. BROWN</b>	
	Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered May 3, 2012. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.	
	JEFFREY WICKS for EUGENE S. BROWN	10 minutes
	LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
277.0 CAF 16-02295	<b>In the Matter of</b> <b>BRITTANY C.</b>	
	Appeal from a disposition of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The disposition determined that the subject child is a permanently neglected child and terminated the parental rights of respondent.	
	CARA A. WALDMAN for MICHAEL C.	Submitted
	JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS	Submitted
	VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD	5 minutes
278.0 CAF 16-02296	<b>In the Matter of</b> <b>BRITTANY C.</b>	
	Appeal from an order of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order freed the subject child for adoption.	
	CARA A. WALDMAN for MICHAEL C.	Submitted
	JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS	Submitted
	VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD	Submitted
279.0 CAF 16-02297	<b>In the Matter of</b> <b>AMBER C.</b>	
	Appeal from a disposition of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The disposition determined that the subject child is a permanently neglected child and terminated the parental rights of respondent.	
	CARA A. WALDMAN for MICHAEL C.	Submitted

	JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS	Submitted
	VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD	Submitted
280.0 CAF 16-02298	<b>In the Matter of AMBER C.</b>	
	Appeal from an order of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order freed the subject child for adoption.	
	CARA A. WALDMAN for MICHAEL C.	Submitted
	JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS	Submitted
	VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD	Submitted
281.0 CAF 16-02299	<b>In the Matter of NICHOLE C.</b>	
	Appeal from a disposition of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The disposition determined that the subject child is a permanently neglected child and terminated the parental rights of respondent.	
	CARA A. WALDMAN for MICHAEL C.	Submitted
	JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS	Submitted
	VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD	Submitted
282.0 CAF 16-02300	<b>In the Matter of NICHOLE C.</b>	
	Appeal from an order of the Family Court, Steuben County (Matthew K. McCarthy, A.J.), entered October 20, 2016, in a proceeding pursuant to Social Services Law § 384-b. The order freed the subject child for adoption.	
	CARA A. WALDMAN for MICHAEL C.	Submitted
	JESSICA MARIE PEASLEE for STEUBEN COUNTY DSS	Submitted
	VIVIAN CLARA STRACHE, ATTORNEY FOR CHILD	Submitted
283.0 CAF 16-01495	<b>In the Matter of TYREE B., JR.</b>	
	Appeal from an order of the Family Court, Erie County (Margaret O. Szcurek, J.), entered August 18, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, determined that respondent Tyree B., abused the subject children.	
	DAVID J. PAJAK for TYREE B.	Submitted
	JAMES E. BROWN for ERIE COUNTY DSS	Submitted
	MELISSA A. CAVAGNARO, ATTORNEY FOR CHILD	Submitted
284.0 CAF 17-00263	<b>BRADY SCHULTZ V DARLA BERKE</b>	

Appeal and cross appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered November 21, 2016 in a proceeding pursuant to Family Court Act article 6. The order denied in part the petition to modify a prior court order.

CHARLES D. STEINMAN for DARLA BERKE 15 minutes

MICHAEL STEINBERG for BRADY SCHULTZ 15 minutes

CHELSEA L. PALMISANO for JEANETTE BERKE 10 minutes

PAUL B. WATKINS, ATTORNEY FOR CHILD 10 minutes

285.0  
CAF 16-02327

In the Matter of  
YESHUA G.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered December 7, 2016 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, granted petitioner's motion for summary judgment and terminated respondent's parental rights to the subject child on the grounds of mental illness.

DAVID J. PAJAK for ANTHONY G. 5 minutes

JAMES E. BROWN for ERIE COUNTY DSS Submitted

DOMINIC PAUL CANDINO, ATTORNEY FOR CHILD Submitted

286.0  
CA 17-01601

DAVID WEITZEL  
V  
STATE OF NEW YORK

Appeal from an order of the Court of Claims (J. David Sampson, J.), entered January 26, 2017. The order denied claimant's motion for partial summary judgment.

JOHN A. COLLINS for DAVID WEITZEL 10 minutes

RICHARD T. SARAF for STATE OF NEW YORK 10 minutes

287.0  
CA 17-01850

JULIE E. PASEK  
V  
CATHOLIC HEALTH SYSTEM, INC.

Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered January 17, 2017. The order denied the motion of plaintiff to compel certain disclosure.

ANGELO S. GAMBINO for JULIE E. PASEK 10 minutes

ADAM M. LYNCH for CATHOLIC HEALTH SYSTEM, INC. 15 minutes

288.0  
CA 17-01383

SARAH J. GREGORY  
V  
STEVEN R. CAVARELLO

Appeals from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered April 11, 2017. The order denied the motion of defendants National Fuel Gas Distribution Corp. and Municipal Pipe Co., LLC, for bifurcation.

DAVID M. LEE for CITY OF BUFFALO Submitted

MEGHAN M. BROWN for NATIONAL FUEL GAS DISTRIBUTION CORP. Submitted

	<b>JOHN A. CIRANDO for SARAH J. GREGORY</b>	<b>Submitted</b>
<b>289.0</b> <b>CA 17-01430</b>	<b>JONMARK CORPORATION</b> <b>V</b> <b>NEW YORK STATE LIQUOR AUTHORITY</b>	
	Appeals from a memorandum decision and judgment of the Supreme Court, Erie County (Catherine Nugent Panepinto, J.), entered May 8, 2017. The memorandum decision and judgment granted the motions of respondents to dismiss and dismissed the CPLR article 78 petition.	
	<b>MATTHEW D. MILLER for JONMARK CORPORATION</b>	<b>15 minutes</b>
	<b>JAIME CIRULLI GALLAGHER for NEW YORK STATE LIQUOR AUTHORITY</b>	<b>15 minutes</b>
	<b>MARK P. DELLA POSTA for ADDYS WINE AND SPIRITS, INC.</b>	<b>15 minutes</b>
<b>290.0</b> <b>CA 17-01335</b>	<b>COREY J. HOGAN</b> <b>V</b> <b>ISKALO OFFICE HOLDINGS, III, LLC</b>	
	Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered May 9, 2017. The order, among other things, granted plaintiff's motion for summary judgment in lieu of complaint against defendant.	
	<b>SEAN W. HOPKINS for ISKALO OFFICE HOLDINGS, III, LLC</b>	<b>10 minutes</b>
	<b>COREY J. HOGAN for HIMSELF</b>	<b>10 minutes</b>
<b>291.0</b> <b>CA 17-01614</b>	<b>JAMES L. MICHEL, JR.</b> <b>V</b> <b>CITY OF LACKAWANNA</b>	
	Appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered January 9, 2017. The order denied the motion of petitioner for partial summary judgment.	
	<b>HOWARD B. COHEN for JAMES L. MICHEL, JR.</b>	<b>15 minutes</b>
	<b>MICHAEL B. RISMAN for CITY OF LACKAWANNA</b>	<b>10 minutes</b>
<b>292.0</b> <b>CA 17-00413</b>	<b>HARPAL SODHI</b> <b>V</b> <b>DOLLAR TREE STORES, INC.</b>	
	Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, J.), entered November 14, 2016. The order denied the motion of defendants Portage Center, LLC, and Baldwin Real Estate Corporation for summary judgment.	
	<b>ANN M. CAMPBELL for PORTAGE CENTER, LLC</b>	<b>10 minutes</b>
	<b>DENNIS P. HAMILTON for TOPS MARKETS, LLC</b>	<b>10 minutes</b>
	<b>JOHN A. COLLINS for HARPAL SODHI</b>	<b>10 minutes</b>
<b>293.0</b> <b>CA 17-00416</b>	<b>HARPAL SODHI</b> <b>V</b> <b>DOLLAR TREE STORES, INC.</b>	
	Appeal from an order of the Supreme Court, Niagara County (Richard C. Kloch, J.), entered November 14, 2016. The order denied the motion of defendant Tops Markets, LLC, for summary judgment.	

**ANN M. CAMPBELL for PORTAGE CENTER, LLC**

**Submitted**

**DENNIS P. HAMILTON for TOPS MARKETS, LLC**

**Submitted**

**JOHN A. COLLINS for HARPAL SODHI**

**Submitted**