

DAY CALENDAR
Friday, February 23, 2018 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

338.0
CA 17-01408

NICHOLAS L. VASSENELLI
V
CITY OF SYRACUSE

Appeal from a memorandum decision and order of the Supreme Court, Onondaga County (Hugh A. Gilbert, J.), entered October 7, 2016. The memorandum decision and order vacated a temporary restraining order and denied the motion of plaintiff to waive the requirement of an undertaking for a preliminary injunction.

A.J. BOSMAN for NICHOLAS L. VASSENELLI

10 minutes

KEITH A. O'HARA for CITY OF SYRACUSE

Submitted

318.0
KA 15-00204

PEOPLE
V
RICHARD LIVINGSTON

Appeal from a judgment of the Onondaga County Court (James H. Cecile, A.J.), rendered November 25, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

JOHN GILSENAN for RICHARD LIVINGSTON

Submitted

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

Submitted

319.0
KA 15-00743

PEOPLE
V
JAMES E. ROGERS

Appeal from a judgment of the Oswego County Court (Spencer J. Ludington, A.J.), rendered November 6, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the first degree.

JOHN A. CIRANDO for JAMES E. ROGERS

15 minutes

AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK

15 minutes

320.0
KA 16-01005

PEOPLE
V
LLOYD W. WHEELER, III

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered June 1, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

CARA A. WALDMAN for LLOYD W. WHEELER, III

Submitted

COLLEEN SULLIVAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

321.0
KA 16-00560

PEOPLE
V
MATTHEW M. EDWARDS

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered February 29, 2016. The judgment convicted defendant, upon a jury verdict, of rape in the second degree (13 counts) and endangering the welfare of a child.

TIMOTHY P. MURPHY for MATTHEW M. EDWARDS

10 minutes

KATHERINE K. BOGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

322.0
KA 10-01822

PEOPLE
V
SHAWN T. GRANT

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered July 20, 2010. The judgment convicted defendant, upon a jury verdict, of arson in the first degree and arson in the second degree.

KIMBERLY F. DUGUAY for SHAWN T. GRANT

10 minutes

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

323.0
KA 13-01626

PEOPLE
V
SHAWN T. GRANT

Appeal from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered July 2, 2013. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10

KIMBERLY F. DUGUAY for SHAWN T. GRANT

Submitted

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

324.0
KA 14-02070

PEOPLE
V
SHAWN T. GRANT

Appeal from an order of the Supreme Court, Monroe County (Francis A. Affronti, J.), entered October 23, 2014. The order denied the motion of defendant to vacate a judgment of conviction pursuant to CPL 440.10

KIMBERLY F. DUGUAY for SHAWN T. GRANT

Submitted

JOSEPH PLUKAS for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

325.0
KA 17-01595

PEOPLE
V
DANIEL PETRANGELO

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered May 23, 2016. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree.

JOHN A. CIRANDO for DANIEL PETRANGELO

10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

326.0
KA 15-01284

PEOPLE
V
DONALD LEFLER

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered December 23, 2014. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.

NATHANIEL V. RILEY for DONALD LEFLER

10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

327.0
CA 17-01674

WILMINGTON SAVINGS FUND SOCIETY, FSB

V

STEVEN E. GUSTAFSON

Appeal from an order of the Supreme Court, Chautauqua County (Frank A. Sedita, III, J.), entered November 29, 2016. The order granted defendants' pre-answer motion to dismiss the summons and complaint..

JORDAN J. MANFRO for WILMINGTON SAVINGS FUND SOCIETY, FSB

15 minutes

MARCO CERCONE for STEVEN E. GUSTAFSON

15 minutes

328.0
CA 16-02272

RICHARD C. JANES

V

2630 ATTICA ROAD, INC.

Appeal from an order of the Supreme Court, Wyoming County (Michael F. Griffith, A.J.), entered December 5, 2016. The order adjudged that the law firm of Brown Chiari, LLP is entitled to recover an amount equal to 25% of the counsel fees held in escrow in connection with the settlement of the plaintiffs' action as their share of said fee.

VINCENT E. DOYLE, III, for BROWN CHIARI, LLP

15 minutes

SAMUEL J. CAPIZZI for COLLINS & COLLINS ATTORNEYS, LLC

15 minutes

329.0
CA 17-01645

ABBOT BROS. II STEAK OUT, INC.

V

ALEXANDROS TSOULIS

Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered December 2, 2016. The order granted the motion of plaintiff on reargument for summary judgment on liability.

PETER ROLPH for ALEXANDROS TSOULIS

10 minutes

ARNOLD R. PETRALIA for ABBOT BROS. II STEAK OUT, INC.

10 minutes

330.0
CA 17-01548

JAMES SALERNO

V

THE DIOCESE OF BUFFALO, N.Y.

Appeal and cross appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered June 26, 2017. The order granted in part and denied in part the motion of defendants The Diocese of Buffalo, N.Y., and Catholic Cemeteries of the Roman Catholic Diocese of Buffalo, Inc., for summary judgment and denied the cross motion of plaintiffs for summary judgment.

JULIA M. HILLIKER for THE DIOCESE OF BUFFALO, N.Y.

15 minutes

ANNE BELTZ RIMMLER for JAMES SALERNO

15 minutes

331.0
CA 17-01818

ASSOCIATED GENERAL CONTRACTORS OF NYS

V

NEW YORK STATE THRUWAY AUTHORITY

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered May 15, 2017. The order, among other things, dismissed the petition-complaint.

JENNIFER HARVEY for ASSOCIATED GENERAL CONTRACTORS OF NYS 15 minutes

ALLYSON B. LEVINE for NEW YORK STATE THRUWAY AUTHORITY 10 minutes

332.0
CA 17-01232

PAUL MARACLE
V
AUTOPLACE INFINITY, INC.

Appeal from a decision and order of the Supreme Court, Niagara County (Frank Caruso, J.), entered February 23, 2017. The decision and order, insofar as appealed from, denied the motion of plaintiff for summary judgment and granted in part the motions of defendants for summary judgment.

JOHN PETER FEROLETO for PAUL MARACLE 15 minutes

JAMES JOHNSTON NAVAGH for AUTOPLACE INFINITY, INC. 15 minutes

JOSHUA P. RUBIN for SCHREIBER & SCHREIBER PROPERTY HOLD 10 minutes

ADAM C. FERRANDINO for BHWL REAL LLC 10 minutes

333.0
CA 17-01762

JOSPEH G. RUSNAK, M.D.
V
THOMAS O. MASON, M.D.

Appeal from an order and judgment of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered May 19, 2017. The order and judgment, insofar as appealed from, granted the motion of plaintiffs for partial summary judgment awarding damages for withheld distributions and awarded plaintiffs money damages.

MITCHELL J. BANAS, JR., for SOUTHTOWNS RADIOLOGY, LLC 10 minutes

DAVID J. MCNAMARA for JOSPEH G. RUSNAK, M.D. 10 minutes

334.0
TP 17-01844

ERIE COUNTY SHERIFF'S POLICE BENEVOLENT ASSN.
V
COUNTY OF ERIE

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, Erie County [Mark J. Grisanti, J.], entered October 20, 2017) to review a determination of respondents. The determination denied petitioner Gregory McCarthy's application for benefits pursuant to General Municipal Law § 207-c.

PAUL WEISS for ERIE COUNTY SHERIFF'S POLICE BENEVOLENT ASSN. Submitted

KRISTEN M. MACHELOR for COUNTY OF ERIE Submitted

335.0
CA 17-01578

TRACY BUTLER
V
BUFFALO MUNICIPAL HOUSING AUTHORITY

Appeal from an order of the Supreme Court, Erie County (E. Jeanette Ogden, J.), entered November 21, 2016. The order denied the motion of defendant for summary judgment dismissing the complaint.

MICHAEL T. COUTU for BUFFALO MUNICIPAL HOUSING AUTHORITY 10 minutes

DAVID J. WOLFF, JR., for TRACY BUTLER

5 minutes

336.0
CA 17-00989

DOUGLAS W. OWEN
V
STATE OF NEW YORK

Appeal from a decision of the Court of Claims (Francis T. Collins, J.), entered June 22, 2016. The decision, among other things, adjudged after a nonjury trial that claimant failed to establish his claims by a preponderance of the credible evidence.

DAVID ANTHONY LONGERETTA for DOUGLAS W. OWEN

Submitted

FRANK BRADY for STATE OF NEW YORK

Submitted

337.0
CA 17-01817

DOUGLAS W. OWEN
V
STATE OF NEW YORK

Appeal from a judgment of the Court of Claims (Francis T. Collins, J.), entered July 12, 2016. The judgment, entered upon a nonjury trial, dismissed the claim.

DAVID ANTHONY LONGERETTA for DOUGLAS W. OWEN

Submitted

FRANK BRADY for STATE OF NEW YORK

Submitted