

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

41.0  
CA 16-01215

**TIMOTHY TAGGART**  
V  
**MARGARET FANDEL**

Appeal from a decision and order of the Supreme Court, Monroe County (John J. Ark, J.), entered March 21, 2016. The decision and order, insofar as appealed from, denied in part the motion of defendants for summary judgment dismissing the complaint.

STEVEN P. CURVIN for MARGARET FANDEL 10 minutes

ANDREW BOUGHRUM for TIMOTHY TAGGART 10 minutes

24.0  
TP 16-00957

**JASON R. PHILLIPS**  
V  
**ANTHONY ANNUCCI**

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, Wyoming County [Michael M. Mohum, A.J.], entered June 3, 2016) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated an inmate rule.

ADAM W. KOCH for JASON R. PHILLIPS Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI Submitted

25.0  
KA 12-00685

**PEOPLE**  
V  
**CRANDALE FITZPATRICK**

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered March 21, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

PETER J. GLENNON for CRANDALE FITZPATRICK Submitted

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

26.0  
KA 14-00823

**PEOPLE**  
V  
**KARL H. KARLSEN**

Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), rendered December 16, 2013. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

JOHN A. CIRANDO for KARL H. KARLSEN 15 minutes

BARRY L. PORSCHE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

27.0  
KA 14-01054

**PEOPLE**  
V  
**LISA E. HENDERSON**

Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.); entered June 3, 2013. The judgment revoked defendant's probation and imposed a term of imprisonment.

	<b>CARA A. WALDMAN for LISA E. HENDERSON</b>	<b>Submitted</b>
	<b>V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NY</b>	<b>Submitted</b>
<b>28.0</b> <b>KA 14-01055</b>	<b>PEOPLE</b> <b>V</b> <b>LISA E. HENDERSON</b>	
	Appeal from a judgment of the Ontario County Court (Craig J. Doran, J.), rendered June 3, 2013. The judgment convicted defendant, upon her plea of guilty, of grand larceny in the third degree.	
	<b>CARA A. WALDMAN for LISA E. HENDERSON</b>	<b>Submitted</b>
	<b>V. CHRISTOPHER EAGGLESTON for THE PEOPLE OF THE STATE OF NY</b>	<b>Submitted</b>
<b>29.0</b> <b>KA 14-01250</b>	<b>PEOPLE</b> <b>V</b> <b>CHAD L. OWENS</b>	
	Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered March 21, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree.	
	<b>LINDA M. CAMPBELL for CHAD L. OWENS</b>	<b>10 minutes</b>
	<b>NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>10 minutes</b>
<b>30.0</b> <b>KA 14-00580</b>	<b>PEOPLE</b> <b>V</b> <b>JAMES D. PANDAJIS</b>	
	Appeal from a judgment of the Monroe County Court (Vincent J. DiNolfo, J.), rendered January 30, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree.	
	<b>DAVID M. ABBATOY, JR., for JAMES D. PANDAJIS</b>	<b>5 minutes</b>
	<b>DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>5 minutes</b>
<b>31.0</b> <b>KA 15-01449</b>	<b>PEOPLE</b> <b>V</b> <b>JAMES D. PANDAJIS</b>	
	Appeal from a decision and order of the Monroe County Court (Vincent M. DiNolfo, J.), entered July 24, 2015. The decision and order, insofar as appealed from, denied the motion for DNA testing pursuant to CPL 440.30 (1-a).	
	<b>DAVID M. ABBATOY, JR., for JAMES D. PANDAJIS</b>	<b>Submitted</b>
	<b>DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK</b>	<b>Submitted</b>
<b>32.0</b> <b>KA 14-00996</b>	<b>PEOPLE</b> <b>V</b> <b>ROMMEL BURDINE</b>	
	Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered April 4, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree (two counts) and criminally using drug paraphernalia in the second degree.	

	KRISTEN N. MCDERMOTT for ROMMEL BURDINE	10 minutes
	JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
33.0 KA 08-02281	PEOPLE V M&M MEDICAL TRANS, INC.	
	Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered September 26, 2008. The judgment convicted defendant, upon a plea of guilty, of grand larceny in the second degree	
	DAVID J. PAJAK for M&M MEDICAL TRANS, INC.	Submitted
	THOMAS B. LITSKY for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
34.0 KAH 15-00938	PEOPLE EX REL. JOHN HEMPHILL V BARRY MCCARDLE	
	Appeal from a memorandum decision and order of the Supreme Court, Jefferson County (John P. McClusky, J.), entered March 17, 2015. The memorandum decision and order denied the application for a writ of habeas corpus.	
	JOHN A. CIRANDO for JOHN HEMPHILL	10 minutes
	MARTIN A. HOTVET for BARRY MCCARDLE	Submitted
35.0 CA 16-01009	RICHARD E. KAPLAN V STATE OF NEW YORK	
	Appeal from a decision, order and judgment of the Supreme Court, Oneida County (Bernadette T. Clark, J.), entered March 3, 2016. The decision, order and judgment declared that defendant did not violate § 1 or Article XVI of the New York State Constitution, granted the motion of defendant to dismiss and denied plaintiff's request for declaratory relief.	
	RICHARD E. KAPLAN for RICHARD E. KAPLAN	10 minutes
	ROBERT M. GOLDFARB for STATE OF NEW YORK	10 minutes
36.0 TP 16-00819	DANIELLE STEAD V LINDA JOYCE	
	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 [Diane Y. Devlin, J.], entered May 6, 2016) to review a determination of respondents. The determination found that petitioner had maltreated a child.	
	MATT A. ALBERT for DANIELLE STEAD	10 minutes
	WILLIAM E. STORRS for LINDA JOYCE	5 minutes
37.0 TP 16-01253	TODD SPRING V NEW YORK STATE DEPARTMENT OF HEALTH	

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, Monroe County [Thomas A. Stander, J.], entered April 26, 2016) to review a determination of respondent. The determination found that petitioner had committed an act of mistreatment in violation of 10 NYCRR 81.1 (b) and that petitioner engaged in retaliation in violation of PHL 2803-d (8) and 10 NYCRR 81.8.

GLENN E. PEZZULO for TODD SPRING

10 minutes

ERIC T. SCHNEIDERMAN for NYS DEPARTMENT OF HEALTH

Submitted

38.0  
OP 16-00837

**MICHAEL A. GURNETT**

**V**

**HONORABLE JAMES F. BARGNESI**

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b]) to review a determination of respondent. The determination revoked the pistol permit of petitioner.

JAMES OSTROWSKI for MICHAEL A. GURNETT

10 minutes

JONATHAN D. HITSOUS for HONORABLE JAMES F. BARGNESI

10 minutes

39.0  
TP 16-00864

**KATE LI**

**V**

**NEW YORK STATE DIV. OF HUMAN RIGHTS**

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 [Diane Y. Devlin, J.], entered May 17, 2016) to review a determination of respondent Division of Human Rights. The determination found that respondent had engaged in unlawful discriminatory practices related to housing and ordered defendant to pay money damages.

JOHN J. LAVIN for KATE LI

Submitted

MICHAEL K. SWIRSKY for NEW YORK STATE DIV. OF HUMAN RIGHTS

10 minutes

40.0  
CA 15-01836

**ANGEL SANTIAGO**

**V**

**ANTHONY ANNUCCI**

Appeal from a judgment of the Supreme Court, Wyoming County (Michael M. Mohun, A.J.), entered September 22, 2015 in a proceeding pursuant to CPLR article 78. The judgment dismissed the petition.

ADAM W. KOCH for ANGEL SANTIAGO

Submitted

MARCUS J. MASTRACCO for ANTHONY ANNUCCI

Submitted

42.0  
CA 16-00987

**FRED J. NICOTERA**

**V**

**ALLSTATE INSURANCE COMPANY**

Appeal from a decision, order and judgment of the Supreme Court, Oneida County (David A. Murad, J.), entered January 14, 2016. The decision, order and judgment granted the motions of defendants for summary judgment and declared that plaintiffs are not entitled to reformation of the subject insurance policy.

GUSTAVE J. DETRAGLIA, JR., for FRED J. NICOTERA

Submitted

	<b>ROBERT P. CAHALAN for ALLSTATE INSURANCE COMPANY</b>	<b>10 minutes</b>
	<b>SARAH M. ZIOLKOWSKI for MICHAEL GARCIA</b>	<b>Submitted</b>
<b>43.0</b>	<b>DIANE CHOROMANSKIS</b>	
<b>CA 16-01297</b>	<b>V</b>	
	<b>CHESTNUT HOMEOWNERS ASSOCIATION, INC.</b>	
	<b>Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered September 28, 2015. The order denied defendants' motion to dismiss.</b>	
	<b>RICHARD COIA for CHESTNUT HOMEOWNERS ASSOCIATION, INC.</b>	<b>Submitted</b>
	<b>LAURIE GIORDANO-VAHEY for DIANE CHOROMANSKIS</b>	<b>Submitted</b>
<b>44.0</b>	<b>LISA LAUREN</b>	
<b>TP 16-00843</b>	<b>V</b>	
	<b>NYS OFFICE OF CHILDREN AND FAMILY SERVS.</b>	
	<b>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 [James H. Dillon, J.], entered May 13, 2016) to review a determination of respondent. The determination denied petitioner's request that a report maintained in the New York State Central Register of Child Abuse and Maltreatment, indicating petitioner for maltreatment, be amended to unfounded.</b>	
	<b>SAMUEL R. MISERENDINO for LISA LAUREN</b>	<b>10 minutes</b>
	<b>LAURA ETLINGER for NYS OFFICE OF CHILDREN AND FAMILY SERVS.</b>	<b>Submitted</b>
<b>45.0</b>	<b>ASHLEY B. JONES</b>	
<b>CA 16-00938</b>	<b>V</b>	
	<b>ERIC R. SWEDE</b>	
	<b>Appeal from an order and judgment of the Supreme Court, Wyoming County (Mark J. Grisanti, J.), entered August 12, 2015. The order and judgment granted the motion of defendant Darryl R. Swede for summary judgment and dismissed the complaint against him.</b>	
	<b>TIMOTHY M. HUDSON for ASHLEY B. JONES</b>	<b>15 minutes</b>
	<b>NORMAN E.S. GREENE for DARRYL R. SWEDE</b>	<b>10 minutes</b>