

DAY CALENDAR
Friday, January 20, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

194.0
KA 15-00203

PEOPLE
V
JEREMY A. WEATHERBEE

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered January 15, 2015. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, as a class E felony, and aggravated unlicensed operation of a motor vehicle in the third degree.

TIMOTHY P. MURPHY for JEREMY A. WEATHERBEE Submitted

WILLIAM G. ZICKL for THE PEOPLE OF THE STATE OF NEW YORK Submitted

195.0
KA 15-00969

PEOPLE
V
KENNETH A. MARKLE

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered April 29, 2014. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree

SHERRY A. CHASE for KENNETH A. MARKLE Submitted

ASHLEY R. LOWRY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

196.0
KA 15-01369

PEOPLE
V
WENDELL D. SMITH

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered July 23, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree, criminal possession of a controlled substance in the third degree (three counts), criminally using drug paraphernalia in the second degree (three counts) and criminal possession of a controlled substance in the fourth degree.

ANJAN K. GANGULY for WENDELL D. SMITH 15 minutes

LEAH MERVINE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

197.0
KA 13-01468

PEOPLE
V
JASON B. MORGAN

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered February 19, 2013. The judgment convicted defendant, upon a jury verdict, of rape in the first degree and criminal trespass in the second degree.

LINDA M. CAMPBELL for JASON B. MORGAN 15 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 15 minutes

198.0
KA 15-00401

PEOPLE
V
KYLE V. SEATON

Appeal from a judgment of the Steuben County Court (John W. Latham, J.), rendered December 22, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the second degree (two counts).

SUSAN BETZJITOMIR for KYLE V. SEATON

15 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

199.0
KA 15-00892

PEOPLE

V

WILLIAM O. KUYAL, JR.

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered March 2, 2015. The judgment convicted defendant, upon his plea of guilty, of vehicular assault in the second degree and driving while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs.

TIMOTHY P. MURPHY for WILLIAM O. KUYAL, JR.

Submitted

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

Submitted

200.0
KA 15-00762

PEOPLE

V

JEFFREY SAPP

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered January 5, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the second degree and criminal possession of a weapon in the second degree.

TIMOTHY P. MURPHY for JEFFREY SAPP

10 minutes

JAMES M. MARRA for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

201.0
KA 15-00476

PEOPLE

V

KEVIN A. DUKES

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered January 13, 2015. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree and criminal sexual act in the first degree.

JAMES A. HOBBS for KEVIN A. DUKES

10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

202.0
KA 14-01500

PEOPLE

V

DAVID J. ROJAS

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, J.), rendered June 16, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree (three counts).

JOHN A. CIRANDO for DAVID J. ROJAS

10 minutes

R. MICHAEL TANTILLO for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

203.0
CAF 15-01632

MEREDITH GORTON
V
JEREMY V. INMAN

Appeal from an decision and order of the Family Court, Oneida County (Joan E. Shkane, J.), entered June 24, 2015, in a proceeding pursuant to Family Court Act article 6. The decision and order, inter alia, granted sole custody to petitioner.

PAUL A. NORTON for JEREMY V. INMAN

Submitted

DEAN L. GORDON for MEREDITH GORTON

Submitted

JULIE GIRUZZI-MOSCA, ATTORNEY FOR CHILD

Submitted

204.0
CAF 16-00027

JUSTIN E. KIEFFER
V
DELEMA DEFRAIN

Appeal from an order of the Family Court, Jefferson County (Diana D. Trahan, R.), entered August 24, 2015, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted primary physical residence to petitioner.

JOHN A. CIRANDO for DELEMA DEFRAIN

10 minutes

MATTHEW JOHN PORTER for JUSTIN E. KIEFFER

10 minutes

RUTHANNE G. SANCHEZ, ATTORNEY FOR CHILD

10 minutes

205.0
CA 16-00363

BN PARTNERS ASSOCIATES, LLC
V
SELECTIVE WAY INSURANCE CO.

Appeal and cross appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered March 31, 2015. The order, among other things, denied plaintiffs' motion for summary judgment and granted in part defendant Selective Way Insurance Company's motion for summary judgment.

DAN D. KOHANE for SELECTIVE WAY INSURANCE CO.

10 minutes

GREGORY GEORGE BROIKOS for BN PARTNERS ASSOCIATES, LLC

10 minutes

206.0
CA 16-00324

ERIE INSURANCE EXCHANGE
V
J.M. PEREIRA & SONS, INC.

Appeal from an order of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered November 12, 2015. The order, among other things, denied plaintiff's motion for summary judgment.

DAN D. KOHANE for ERIE INSURANCE EXCHANGE

15 minutes

ROBERT DANIEL HOOKS for J.M. PEREIRA & SONS, INC.

15 minutes

MATTHEW J. SCHENKER for RPC, INC.

15 minutes

ANTHONY DELISO for RICARDO VEGA

Submitted

207.0
CA 16-01209

MICHAEL J. JONES
V
MAUREEN F. TORPEY

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered January 14, 2016. The order, among other things, granted plaintiff's motion for summary judgment.

VICTOR M. WRIGHT for MAUREEN F. TORPEY 10 minutes

JONATHAN M. GORSKI for MICHAEL J. JONES 10 minutes

LAUREN M. YANNUZZI for CANEISHA N. DOSS 10 minutes

208.0
CA 16-01216

MICHAEL J. JONES
V
MAUREEN F. TORPEY

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered April 12, 2016. The order, among other things, upon reargument granted plaintiff's motion for summary judgment.

VICTOR M. WRIGHT for MAUREEN F. TORPEY Submitted

JONATHAN M. GORSKI for MICHAEL J. JONES Submitted

LAUREN M. YANNUZZI for CANEISHA N. DOSS Submitted

209.0
CA 16-00194

DIPIZIO CONSTRUCTION COMPANY, INC.
V
ERIE CANAL HARBOR DEVELOPMENT CORP.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered April 27, 2015. The order, among other things, granted plaintiff Travelers Casualty and Surety Company of America's motion for summary judgment declaring that it is the assignee and real party in the interest of the claims asserted by plaintiff DiPizio Construction Company, Inc., against defendant Erie Canal Development Corporation in Action no. 1 and Action no. 2.

DANIEL W. ISAACS for DIPIZIO CONSTRUCTION COMPANY, INC. 15 minutes

PATRICIA A. MANCABELLI for ERIE CANAL HARBOR DEV. CORP. 10 minutes

BENJAMIN D. LENTZ for TRAVELERS CASUALTY AND SURETY CO. 15 minutes

210.0
CA 16-01203

JACK I. DINABURG **SETTLED**
V
UNITED REFINING COMPANY

Appeal from an order of the Supreme Court, Monroe County (Evelyn Frazee, J.), entered January 22, 2016. The order, insofar as appealed from, denied the motion of defendant to disqualify counsel for plaintiff.

JOHN T. KOLAGA for UNITED REFINING COMPANY

ROBERT A. BARRER for JACK I. DINABURG

211.0
CA 16-00916

JANINE GALLO
V
SCOTT T. WICKS

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered March 21, 2016. The order set aside a verdict and granted the motion of plaintiff for a directed verdict on liability.

TIFFANY L. D'ANGELO for SCOTT T. WICKS 10 minutes

	JEANNA M. CELLINO for JANINE GALLO	10 minutes
212.0 CA 16-01264	THERESA A. LAMPHRON-READ V DAVIS MONTGOMERY	
	Appeal from an order of the Supreme Court, Monroe County (Thomas A Stander, J.), entered March 21, 2016. The order granted plaintiff's motion to set aside the verdict and for a new trial on damages, unless defendants agree to stipulate to increase the verdict for past pain and suffering to \$65,000, and agree to stipulate to increase the verdict for future pain and suffering to \$65,000.	
	JEFFREY C. SENDZIAK for DAVIS MONTGOMERY	10 minutes
	ELLEN B. STURM for THERESA A. LAMPHRON-READ	15 minutes
213.0 CA 16-01198	STEPHEN REUS SETTLED V CHURCHVILLE CHILI CENTRAL SCHOOL DIST.	
	Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered May 18, 2016. The order, insofar as appealed from, denied the motion of plaintiffs' motion for partial summary judgment pursuant to Labor Law § 240 (1).	
	STEPHEN G. SCHWARTZ for STEPHEN REUS	
	RICHARD S. POVEROMO for CHURCHVILLE CHILI CENT. SCHOOL DIST.	
214.0 CA 16-00989	RYAN NICASTRO V NEW YORK CENTRAL MUTUAL FIRE INS.	
	Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered December 16, 2015 in a breach of contract action. The order denied the motion of plaintiff for summary judgment and granted the cross motion of defendant for summary judgment.	
	DAVID PAUL MARCUS for RYAN NICASTRO	10 minutes
	ANTHONY G. MARECKI for NEW YORK CENTRAL MUTUAL FIRE INS.	10 minutes
215.0 CA 16-00523	WILL FOODS, LCC V WILL POULTRY CO., INC.	
	Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 10, 2015. The order, among other things, denied plaintiff's motion for partial summary judgment.	
	BRENDAN H. LITTLE for WILL FOODS, LCC	15 minutes
	CRAIG R. BUCKI for WILL POULTRY CO., INC.	15 minutes
	ARTHUR G. BAUMEISTER, JR., for MARGARET GLEASON	15 minutes
216.0 CA 16-01704	WILL FOODS, LCC V WILL POULTRY CO., INC.	

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 1, 2016. The order granted the motion of plaintiff for reargument, and upon reargument, granted plaintiff summary judgment against defendants Will Poultry Co., Inc., and Donald E. Will.

BRENDAN H. LITTLE for WILL FOODS, LCC

Submitted

CRAIG R. BUCKI for WILL POULTRY CO., INC.

Submitted

ARTHUR G. BAUMEISTER, JR., for MARGARET GLEASON

Submitted

217.0
CA 16-01705

WILL FOODS, LCC

V

WILL POULTRY CO., INC.

Appeal from a judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered July 6, 2016. The judgment awarded plaintiff money damages against defendants Will Poultry Co., Inc., and Donald E. Will.

BRENDAN H. LITTLE for WILL FOODS, LCC

Submitted

CRAIG R. BUCKI for WILL POULTRY CO., INC.

Submitted

ARTHUR G. BAUMEISTER, JR., for MARGARET GLEASON

Submitted