

**DAY CALENDAR**  
**Monday, January 9, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

13.0  
CA 16-00246

LISA MARIE GUY  
V  
ERIC GUY

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered August 13, 2015. The order, inter alia, denied the motion of defendant to compel plaintiff and their children to engage in collaborative counseling.

JUSTIN S. WHITE for ERIC GUY 10 minutes

JOHN P. PIERI for LISA MARIE GUY 15 minutes

CHERYL A. ALOI, ATTORNEY FOR CHILD 10 minutes

14.0  
CA 16-00247

LISA MARIE GUY  
V  
ERIC GUY

Appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 6, 2015. The order directed defendant to pay attorney's fees of \$13,958.26 to counsel for plaintiff.

JUSTIN S. WHITE for ERIC GUY Submitted

JOHN P. PIERI for LISA MARIE GUY Submitted

CHERYL A. ALOI , ATTORNEY FOR CHILD Submitted

1.0  
TP 16-00249

NATHAN BROWN  
V  
ALBERT PRACK

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, Oneida County [Norman I. Siegel, J.], entered July 2, 2016) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

NATHAN BROWN for HIMSELF Submitted

MARCUS J. MASTRACCO for ALBERT PRACK Submitted

2.0  
KA 12-01359

PEOPLE  
V  
RUSLAN KONOVALCHUK

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered May 23, 2012. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree (three counts) and robbery in the third degree.

PETER J. GLENNON for RUSLAN KONOVALCHUK Submitted

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

3.0  
KA 12-00320

**PEOPLE  
V  
SHAWN OBBAGY**

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered October 20, 2011. The judgment convicted defendant, upon his plea of guilty, of criminal mischief in the third degree, driving while intoxicated, a misdemeanor, and resisting arrest.

JEANNIE MICHALSKI for SHAWN OBBAGY Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

4.0  
KA 15-01692

**PEOPLE  
V  
CLIFFORD GRAHAM**

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 18, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree and endangering the welfare of a child.

JOHN J. GILSENAN for CLIFFORD GRAHAM 10 minutes

ROMANA A. LAVALAS for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

5.0  
KA 15-00421

**PEOPLE  
V  
CURTIS MOSS**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered December 3, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree and criminal possession of a weapon in the second degree.

ROBERT L. KEMP for CURTIS MOSS Submitted

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

6.0  
KA 14-01499

**PEOPLE  
V  
MARK THOMPSON**

Appeal from a judgment of the Supreme Court, Erie County (Russell P. Buscaglia, A.J.), rendered August 4, 2014. The judgment convicted defendant, upon a jury verdict, of robbery in the first degree.

BARBARA J. DAVIES for MARK THOMPSON 10 minutes

DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

7.0  
KA 15-01193

**PEOPLE  
V  
MONROE BIBBS**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered February 11, 2015. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the first degree.

DAVID J. PAJAK for MONROE BIBBS Submitted

DANIEL J. PUNCH for THE PEOPLE OF THE STATE OF NEW YORK Submitted

8.0  
KA 12-00321

**PEOPLE**  
**V**  
**SHAWN OBBAGY**

Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered October 20, 2011. The judgment convicted defendant, upon his plea of guilty, of criminal mischief in the third degree.

JEANNIE MICHALSKI for SHAWN OBBAGY Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK Submitted

9.0  
KA 16-00242

**PEOPLE**  
**V**  
**JEREMY B. NEWTON**

Appeal from a judgment of the Monroe County Court (Thomas R. Morse, A.J.), rendered January 20, 2016. The judgment convicted defendant, upon a jury verdict, of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, aggravated sexual abuse in the second degree and sexual abuse in the first degree.

DAVID M. ABBATOY, JR., for JEREMY B. NEWTON 15 minutes

KELLY CHRISTINE WOLFORD for PEOPLE OF THE STATE OF NEW YORK 10 minutes

10.0  
CA 16-01146

**CANANDAIGUA NATIONAL BANK**  
**V**  
**MATTHEW PALMER**

Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered August 24, 2015. The order granted plaintiff's motion for summary judgment.

DAVID D. BENZ for MATTHEW PALMER 15 minutes

JESSICA M. MYERS for CANANDAIGUA NATIONAL BANK 15 minutes

11.0  
CA 15-01607

**INTEGRATED VOICE & DATA SYSTEMS**  
**V**  
**MICHAEL GROH**

Appeals from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 3, 2015. The order, among other things, granted plaintiffs' motion to strike defendants' answers and granted a permanent injunction against defendants.

ANDREW P. FLEMING for MICHAEL GROH Submitted

B. KEVIN BURKE, JR., for FRANK LEWANDOWSKI 15 minutes

LINDA HEARY JOSEPH for AT TECHNOLOGY, INC. 15 minutes

KELLY E. GUERIN for INTEGRATED VOICE & DATA SYSTEMS 15 minutes

12.0  
CA 15-01608

**INTEGRATED VOICE & DATA SYSTEMS**  
**V**  
**MICHAEL GROH**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered September 16, 2015. The order, among other things, denied the motion of defendant AT Technology Inc. for leave motion to reargue.

ANDREW P. FLEMING for MICHAEL GROH Submitted  
B. KEVIN BURKE, JR., for FRANK LEWANDOWSKI Submitted  
LINDA HEARY JOSEPH for AT TECHNOLOGY, INC. Submitted  
DEBORAH J. CHADSEY for INTEGRATED VOICE & DATA SYSTEMS Submitted

15.0  
CA 15-01281

**In the Matter of  
ANASTASIA**

Appeal from an order of the Surrogate's Court, Wayne County (Daniel G. Barrett, S.), entered June 4, 2015. The order, among other things, adjudged that the adoption of the subject child may proceed without respondent's consent.

KATHRYN B. FRIEDMAN for AARON I. 10 minutes

V. BRUCE CHAMBERS for MARK A. B. 10 minutes

16.0  
CA 16-00858

**MALLORY C. EHLERS  
V  
WILLIAM A. BYRNES**

Appeal from an order of the Supreme Court, Erie County (Matthew J. Murphy, III, A.J.), entered July 14, 2015. The order granted the motion of defendants William A. Byrnes and All Erection and Crane Rental Corp. for summary judgment dismissing the complaint.

DANIEL J. CHIACCHIA for MALLORY C. EHLERS 10 minutes

BRIAN P. MINEHAN for WILLIAM A. BYRNES 10 minutes

17.0  
CA 16-01028

**JAMES SAVAGE SETTLED  
V  
EDWARD D. HANCOCK**

Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered February 24, 2016. The order denied the motion of plaintiff for partial summary judgment on liability pursuant to Labor Law § 240 (1) against defendant Edward D. Hancock.

DEBORAH M. FIELD for JAMES SAVAGE

MARK J. HALPIN for EDWARD D. HANCOCK

18.0  
CA 16-00682

**CHETI CASELLA  
V  
AJAY GLASS & MIRROR CO., INC.**

Appeal from an order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered January 4, 2016. The order, among other things, granted the motion of defendant Peerless Products, Inc., and the cross motion of defendant Ajay Glass & Mirror Co., Inc. for summary judgment dismissing plaintiff's complaint.

DEBORAH M. FIELD for CHETI CASELLA 15 minutes

MICHAEL F. PERLEY for AJAY GLASS & MIRROR CO., INC. 15 minutes

THOMAS JOSEPH SPEYER for PEERLESS PRODUCTS, INC. 15 minutes

RICHARD T. TUCKER for THE PIKE COMPANY, INC. Submitted

19.0  
CA 16-00868

**DOUGLAS J. DANNER**  
**V**  
**RAYMOND J. CAMPBELL**

Appeal from an order of the Supreme Court, Erie County (Patrick H. NeMoyer, J.), entered November 9, 2015. The order granted the motion of plaintiffs to set aside a verdict and directed a new trial on liability.

AARON M. ADOFF for RAYMOND J. CAMPBELL 10 minutes

GREGG S. MAXWELL for DOUGLAS J. DANNER 10 minutes

20.0  
CA 16-00334

**SWORMVILLE FIRE CO. INC.**  
**V**  
**K2M ARCHITECTS P.C.**

Appeal and cross appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered April 21, 2015. The order, among other things, granted in part plaintiff's motion for summary judgment.

MICHAEL A. DAMIA for K2M ARCHITECTS P.C. 15 minutes

AMANDA L. MACHACEK for SWORMVILLE FIRE CO. INC. 15 minutes

21.0  
CA 16-00064

**NCA COMP, INC.**  
**V**  
**1289 CLIFFORD AVENUE**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered August 6, 2015. The order, among other things, granted the motion of defendants Babcock Utilities, Inc., Mark Cerrone, Inc., and Jo to Mo, Corp. to dismiss plaintiff's claims as against them.

ALAN J. DEPETERS for NCA COMP, INC. 10 minutes

CRAIG R. BUCKI for BABCOCK UTILITIES, INC. 10 minutes

22.0  
CA 16-00066

**NCA COMP, INC.**  
**V**  
**1289 CLIFFORD AVENUE**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered October 2, 2015. The order, among other things, granted the motion of defendant Memminger's Painting, Inc. and the cross motion of Historicon, Inc. to dismiss plaintiff's claims as against them.

ALAN J. DEPETERS for NCA COMP, INC. Submitted

CRAIG R. BUCKI for 1289 CLIFFORD AVENUE Submitted

23.0  
CA 16-01251

**CHARLES R. FOTHERINGHAM**  
**V**  
**RIVERSOURCE LIFE INSURANCE CO. OF NY**

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered January 25, 2016. The order, among other things, granted defendants' cross motion to dismiss the complaint.

JAMES I. MYERS for CHARLES R. FOTHERINGHAM 20 minutes

JOANNA J. CHEN for RIVERSOURCE LIFE INSURANCE CO. OF NY 20 minutes

**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>

**DAY CALENDAR**  
**Tuesday, January 10, 2017 - 10:00 AM**  
**COURTROOM 2**

46.0  
KA 14-00297

**PEOPLE**  
**V**  
**ELIZABETH A. WHITE**

Appeal from a judgment of the Chautauqua County Court (John T. Ward, J.), rendered January 27, 2014. The judgment convicted defendant, upon a nonjury verdict, of driving while intoxicated, a class D felony (two counts), and aggravated unlicensed operation of a motor vehicle in the first degree.

**DONALD M. THOMPSON** for **ELIZABETH A. WHITE**

**Submitted**

**ANDREW M. MOLITOR** for **THE PEOPLE OF THE STATE OF NEW YORK**

**Submitted**

**DAY CALENDAR**  
**Wednesday, January 11, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

62.0  
CA 16-01003

**FREDERICK G. KNIGHT**  
V  
**ROBERT HOLLAND**

Appeal from a judgment of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered January 29, 2016. The judgment, among other things, awarded plaintiff the sum of \$671,179.28 as against defendants.

CAROL R. FINOCCHIO for ROBERT HOLLAND

15 minutes

JANET D. CALLAHAN for FREDERICK G. KNIGHT

10 minutes

47.0  
TP 16-01143

**PATRICK JEANTY**  
V  
**HAROLD GRAHAM**

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, Cayuga County [Thomas G. Leone, A.J.], entered June 27, 2016) to review a determination of respondent. The determination found after Tier II hearing that petitioner had violated various inmate rules.

PATRICK JEANTY for HIMSELF

Submitted

MARCUS J. MASTRACCO for HAROLD GRAHAM

Submitted

48.0  
KA 15-01103

**PEOPLE**  
V  
**MATTHEW SYMONDS**

Appeal from an order of the Livingston County Court (Robert B. Wiggins, J.), entered March 5, 2015. The order determined that defendant is a level two risk, pursuant to the Sex Offender Registration Act.

CHARLES J. GREENBERG for MATTHEW SYMONDS

Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

49.0  
KA 14-01058

**PEOPLE**  
V  
**MICHAEL HAND**

Appeal from a judgment of the Yates County Court (W. Patrick Falvey, J.), rendered April 1, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the first degree.

JOHN A. CIRANDO for MICHAEL HAND

10 minutes

LORA TRYON for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

50.0  
KA 13-02168

**PEOPLE**  
V  
**JACQUELINE MARJI**

Appeal from a judgment of the Supreme Court, Onondaga County John J. Brunetti, A.J.), rendered August 22, 2013. The judgment convicted defendant, upon her plea of guilty, of criminal sale of a controlled substance in the fifth degree, attempted criminal possession of a weapon in the second degree, criminal sale of a firearm in the third degree and attempted robbery in the first degree.

PHILIP ROTHSCHILD for JACQUELINE MARJI

Submitted

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

Submitted

51.0  
KA 16-01026

PEOPLE  
V  
JOYCE LEWIS

Appeal from an oral decision of the Ontario County Court (Stephen d. Aronson, A.J.), rendered August 13, 2015. The oral decision granted defendant's suppression motion and dismissed the charges.

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

10 minutes

MARK C. DAVISON for JOYCE LEWIS

10 minutes

52.0  
KA 11-01268

PEOPLE  
V  
FREDDERICK D. ARNOLD

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered September 3, 2010. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.

JANET C. SOMES for FREDDERICK D. ARNOLD

10 minutes

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

10 minutes

53.0  
KA 13-01197

PEOPLE  
V  
DAYMOND HARRIS

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered March 20, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the fourth degree and criminal possession of a controlled substance in the seventh degree.

WILLIAM M. ROTH for DAYMOND HARRIS

10 minutes

STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

54.0  
KA 14-00810

PEOPLE  
V  
IRIS RESTO

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered February 21, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the first degree, conspiracy in the first degree, criminal solicitation in the first degree, tampering with a witness in the fourth degree (three counts), bribing a witness, intimidating a witness in the second degree, tampering with a witness in the second degree and conspiracy in the fifth degree.

JOHN A. CIRANDO for IRIS RESTO

15 minutes

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

10 minutes

55.0  
KA 15-00778

PEOPLE  
V  
GARY J. PETT

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Herkimer County Court (Daniel R. King, A.J.), entered April 12, 2015. The order, denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of robbery in the second degree.

DANIEL MARK GRIEBEL for GARY J. PETT 15 minutes

JACQUELYN M. ASNOE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

56.0  
CAF 15-01599

ERIC BESHURES  
V  
THERESA GIBSON

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered September 10, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal and physical custody of the subject child.

STEPHANIE N. DAVIS for THERESA GIBSON Submitted

COURTNEY S. RADICK for ERIC BESHURES 10 minutes

STEPHEN WALTER ARNOLD, ATTORNEY FOR CHILD Submitted

57.0  
CAF 15-01261

JACOB R. BELCHER  
V  
MONICA A. MORGADO

Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, J.), entered July 9, 2015 in a proceeding pursuant to Family Court Act article 6. The order granted the petition.

CHARLES J. GREENBERG for MONICA A. MORGADO 5 minutes

JACOB R. BELCHER for HIMSELF Submitted

ASHLEY LYON, ATTORNEY FOR CHILD Submitted

58.0  
CAF 15-02170

In the Matter of  
JAMES P., JR.

Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered December 10, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, terminated respondent's parental rights.

KRISTEN N. MCDERMOTT for TIFFANY H. 10 minutes

MAGGIE SEIKALY for ONONDAGA CO. DEPT. OF CHILD SERVS. Submitted

ANTHONY PETER BELLETIER, JR., ATTORNEY FOR CHILD 5 minutes

59.0  
CA 16-01265

DARCELL MCDONALD  
V  
NYS OFFICE OF TEMPORARY AND DISABILITY

Appeal from an order of the Supreme Court, Erie County (Catherine Nugent-Panepinto, J.), entered September 21, 2015 in a proceeding pursuant to CPLR article 78. The order granted the petition.

	LAURA ETLINGER for NYS OFFICE OF TEMPORARY AND DISABILITY	15 minutes
	LINDY KORN for DARCELL MCDONALD	15 minutes
60.0 CA 16-01225	<b>JEFFREY SIMPSON</b> V <b>CITY OF SYRACUSE</b>	
	Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered March 29, 2016. The order denied the motion of defendant for summary judgment dismissing the complaint.	
	TODD M. LONG for CITY OF SYRACUSE	10 minutes
	SIDNEY P. COMINSKY for JEFFREY SIMPSON	15 minutes
61.0 CA 16-00983	<b>JILL R. WELDUM</b> V <b>SHOPPINGTOWN MALL, LLC</b>	
	Appeals from an order of the Supreme Court, Onondaga County (James P. McCarthy, J.), entered January 11, 2016. The order, insofar as appealed from, denied the motions of defendants Shoppingtown Mall, LLC, Macerich Management Company and Southeast Service Corporation, a/k/a SSC Service Solutions, for summary judgment.	
	KENNETH M. ALWEIS for SHOPPINGTOWN MALL, LLC	10 minutes
	JEFFREY S. ALBANESE for SOUTHEAST SERVICE CORPORATION	10 minutes
	SIDNEY P. COMINSKY for JILL R. WELDUM	15 minutes
63.0 CA 16-00028	<b>COUNTY OF ONEIDA</b> V <b>HOWARD A. ZUCKER, M.D., J.D.</b>	
	Appeal from a decision/order/judgment of the Supreme Court, Oneida County (Bernadette T. Clarke, J.), entered December 7, 2015. The decision/order/judgment denied the motion of respondents to dismiss petitioner's first cause of action and directed respondents to accept and pay petitioner's reimbursement claim in the amount of \$251,467.	
	VICTOR PALADINO for HOWARD A. ZUCKER, M.D., J.D.	10 minutes
	CHRISTOPHER BUCKEY for COUNTY OF ONEIDA	10 minutes
64.0 CA 16-00907	<b>AUBURN CUSTOM MILLWORK, INC.</b> V <b>SCHMIDT &amp; SCHMIDT, INC.</b>	
	Appeal and cross appeal from an order of the Supreme Court, Cayuga County (Matthew A. Rosenbaum, J.), entered February 25, 2016. The order, among other things, denied in part plaintiff's motion for summary judgment and denied defendant's cross motion for summary judgment.	
	LAURENCE I. FOX for SCHMIDT & SCHMIDT, INC.	10 minutes
	JASON B. BAILEY for AUBURN CUSTOM MILLWORK, INC.	10 minutes
65.0 CA 16-01212	<b>ERINN BARSKI</b> V <b>TOWN OF AURELIUS</b>	

Appeal from an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered September 9, 2015. The order granted defendant's motion to dismiss plaintiffs' amended complaint.

JUSTIN T. HUFFMAN for ERINN BARSKI

15 minutes

W. BRADLEY HUNT for TOWN OF AURELIUS

15 minutes

66.0  
CA 16-01200

**CITIZEN REVIEW BOARD OF THE CITY OF SYRACUSE**

**V**

**SYRACUSE POLICE DEPARTMENT**

Appeal from an order of the Supreme Court, Onondaga County (Spencer J. Ludington, A.J.), entered April 29, 2016 in a proceeding pursuant to CPLR article 78. The order denied respondents' motion to dismiss the petition.

JOHN A. SICKINGER for SYRACUSE POLICE DEPARTMENT

10 minutes

HARRISON V. WILLIAMS, JR., for CITIZEN REVIEW BD. OF CITY OF SYRACUSE

15 minutes



**DAY CALENDAR**  
**Wednesday, January 11, 2017 - 10:00 AM**  
**COURTROOM 2**

67.0  
TP 16-01039

**ABDUL ALI KARIM-RASHID**  
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 June 20, 2016) to review a determination of respondent. The determination found after a Tier II hearing that petitioner violated various inmate rules.

LEAH R. NOWOTARSKI for ABDUL ALI KARIM-RASHID

Submitted

ERIC T. SCHNEIDERMAN for ANTHONY ANNUCCI

Submitted

68.0  
KA 14-01599

**PEOPLE**  
V  
**DEREK A. STORMS**

Appeal from a judgment of the Steuben County Court (Joseph W. Latham, J.), rendered September 4, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the second degree

MARY P. DAVISON for DEREK A. STORMS

Submitted

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

Submitted

69.0  
KA 16-01106

**PEOPLE**  
V  
**DIJON BROWN**

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered July 2, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and unlawful possession of marihuana.

JEREMY D. SCHWARTZ for DIJON BROWN

10 minutes

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

10 minutes

70.0  
KA 14-01695

**PEOPLE**  
V  
**SEAN M. VICKERS**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered September 11, 2014. The judgment convicted defendant, upon a jury verdict, of sodomy in the first degree.

BENJAMIN L. NELSON for SEAN M. VICKERS

20 minutes

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

10 minutes

71.0  
KA 14-01696

**PEOPLE**  
V  
**SEAN M. VICKERS**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered September 11, 2014. The judgment convicted defendant, upon a jury verdict, of sodomy in the first degree, criminal sexual act in the first degree (two counts) and sexual abuse in the first degree.

**BENJAMIN L. NELSON** for **SEAN M. VICKERS**

Submitted

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

Submitted

72.0  
KA 15-00995

**PEOPLE**  
V  
**MARK D. ABBOTT**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered September 15, 2014. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, as a class E felony.

**TIMOTHY P. MURPHY** for **MARK D. ABBOTT**

Submitted

**DANIEL J. PUNCH** for **THE PEOPLE OF THE STATE OF NEW YORK**

Submitted

73.0  
KA 14-01340

**PEOPLE**  
V  
**LEON C. BLOOM, JR.**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered July 21, 2014. The judgment convicted defendant, after a nonjury trial, of burglary in the second degree and criminal obstruction of breathing or blood circulation.

**ALAN WILLIAMS** for **LEON C. BLOOM, JR.**

10 minutes

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

10 minutes

74.0  
KA 14-00793

**PEOPLE**  
V  
**JOHN R. SIMMONS**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered June 18, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

**BARBARA J. DAVIES** for **JOHN R. SIMMONS**

10 minutes

**NICHOLAS T. TEXIDO** for **THE PEOPLE OF THE STATE OF NEW YORK**

5 minutes

75.0  
KA 14-00845

**PEOPLE**  
V  
**WILLIAM HIBBARD**

Appeal from a judgment of the Erie County Court (Michael L. D'Amico, J.), rendered March 20, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the third degree

**DAVID J. PAJAK** for **WILLIAM HIBBARD**

Submitted

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

Submitted

76.0  
KA 15-00040

**PEOPLE**  
V  
**DASHAWN A. BUTLER**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered December 22, 2014. The judgment convicted defendant, upon a jury verdict, of criminal use of a firearm in the second degree, criminal possession of a weapon in the second degree and attempted assault in the first degree.

CAITLIN M. CONNELLY for DASHAWN A. BUTLER 10 minutes

SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

77.0  
CAF 15-01210

**SANDRA L. COUGHLIN**  
V  
**KELLY J. COUGHLIN**

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered July 2, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition with prejudice.

BERNADETTE HOPPE for SANDRA L. COUGHLIN Submitted

DEBORAH J. SCINTA for KELLY J. COUGHLIN 5 minutes

DAVID E. BLACKLEY, ATTORNEY FOR CHILD Submitted

78.0  
CAF 15-01211

**SANDRA L. COUGHLIN**  
V  
**KELLY J. COUGHLIN**

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered July 2, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition with prejudice.

BERNADETTE HOPPE for SANDRA L. COUGHLIN Submitted

DEBORAH J. SCINTA for KELLY J. COUGHLIN Submitted

DAVID E. BLACKLEY, ATTORNEY FOR CHILD Submitted

79.0  
CAF 15-01212

**SANDRA L. COUGHLIN**  
V  
**KELLY J. COUGHLIN**

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered July 2, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition with prejudice.

BERNADETTE HOPPE for SANDRA L. COUGHLIN Submitted

DEBORAH J. SCINTA for KELLY J. COUGHLIN Submitted

DAVID E. BLACKLEY, ATTORNEY FOR CHILD Submitted

80.0  
CAF 15-01417

**In the Matter of**  
**SKYE N.**

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered August 11, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, transferred guardianship and custody of the subject children to petitioner.

DAVID J. PAJAK for CARL N. Submitted

KATE NOWADLY for ERIE COUNTY DEPARTMENT OF SOCIAL SERVS. Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

81.0  
CAF 15-00152

DESIRAE C. HEINSLER  
V  
ROSEMARIE SERO

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered January 8, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that Rosemary Sero shall continue to have sole custody of the subject children.

KELIANN M. ARGY for DESIRAE C. HEINSLER 5 minutes

BRIAN P. DEGNAN for ROSEMARIE SERO 5 minutes

JACQUELINE M. GRASSO, ATTORNEY FOR CHILD 5 minutes

82.0  
CA 16-00832

MICHAEL P. CICCIO  
V  
FRED S. DUROLEK

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 7, 2016. The order granted the motion of defendants for leave to serve and file a late notice of demand for a jury trial.

ERIC B. GROSSMAN for MICHAEL P. CICCIO 10 minutes

ROBERT E. GALLAGHER, JR., for FRED S. DUROLEK 10 minutes

83.0  
CA 16-00571

NANCY J. BRADY  
V  
TIMOTHY J. CONTANGELO

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered December 29, 2015. The order denied the motion of defendant to dismiss the complaint and for summary judgment.

JENNIFER J. PHILLIPS for TIMOTHY J. CONTANGELO 10 minutes

RONALD J. WRIGHT for NANCY J. BRADY 10 minutes

85.0  
CA 16-00947

DONALD J. TERWILLIGER  
V  
BEAZER EAST, INC.

Appeal from an order of the Supreme Court, Erie County (Deborah A. Chimes, J.), entered March 8, 2016. The order, among other things, denied the motion of defendant Honeywell International, Inc., as successor in interest to the Wilputte Coke Oven Division of Allied Chemical Corporation, for summary judgment.

A. VINCENT BUZARD for HONEYWELL INTERNATIONAL, INC. 20 minutes

DENNIS P. HARLOW for DONALD J. TERWILLIGER 20 minutes

86.0  
CA 16-00809

LARRY E. BROWN  
V  
BG THRUWAY, LLC

SETTLED

Appeal from an order of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered February 9, 2016. The order, among other things, denied in part the motion of defendants BG Thruway LLC., and DDR Corp. for summary judgment dismissing plaintiff's complaint.

PETER STEWART MARLETTE for BG THRUWAY, LLC

JAMES E. BROWN for DDR CORP.

87.0  
CA 16-00831

MICHAEL P. CICC  
V  
FRED S. DUROLEK

Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered March 16, 2016. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment on the issues of serious injury and economic loss.

ERIC B. GROSSMAN for MICHAEL P. CICC 10 minutes

ROBERT E. GALLAGHER, JR., for FRED S. DUROLEK 10 minutes

88.0  
CA 16-00414

RICHARD WILLIAMSON  
V  
ANNE HODSON

Appeal from a judgment of the Supreme Court, Erie County (John M. Curran, J.), entered December 14, 2015. The judgment, among other things, dismissed plaintiff's complaint on the merits.

RICHARD P. VALENTINE for RICHARD WILLIAMSON 15 minutes

DAVID MICHAEL STILLWELL for ANNE HODSON 15 minutes

89.0  
CA 16-00985

JOSEPH T. GRABAR  
V  
NICHOLS, LONG & MOORE CONSTRUCTION

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered January 20, 2016. The order, insofar as appealed from, denied in part the cross motion of defendant for summary judgment.

TYSON R. PRINCE for NICHOLS, LONG & MOORE CONSTRUCTION 10 minutes

ALAN D. VOOS for JOSEPH T. GRABAR 10 minutes

**DAY CALENDAR**  
**Thursday, January 12, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

90.0  
KA 15-00208

PEOPLE  
V  
CHERYL A. POOL

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered December 1, 2014. The judgment convicted defendant, upon her plea of guilty, of criminal possession of a controlled substance in the fifth degree.

TIMOTHY P. MURPHY for CHERYL A. POOL Submitted

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

91.0  
KA 15-01824

PEOPLE  
V  
DIONTE CARROLL

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered February 27, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a controlled substance in the third degree.

JOHN GILSENAN for DIONTE CARROLL Submitted

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

92.0  
KA 14-01031

PEOPLE  
V  
PHILLIP A. DODSON

Appeal from a judgment of the Monroe County Court (Alex R. Renzi, J.), rendered January 8, 2014. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

JANE I. YOON for PHILLIP A. DODSON 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

93.0  
KA 13-00142

PEOPLE  
V  
KAREEM H. FULLER

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered October 9, 2012. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree and robbery in the first degree.

JANE I. YOON for KAREEM H. FULLER 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

94.0  
KA 15-00332

PEOPLE  
V  
PEDRO ROMERO

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered June 27, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree (two counts).

LINDA M. CAMPBELL for PEDRO ROMERO

15 minutes

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

10 minutes

95.0  
KA 08-00133

PEOPLE  
V  
GEORGE C. HERRING

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered December 12, 2007. The judgment convicted defendant, upon a jury verdict, of attempted aggravated murder of a police officer, attempted aggravated assault of a police officer, criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree and criminal possession of stolen property in the fourth degree.

STEPHEN J. BIRD for GEORGE C. HERRING

Submitted

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

96.0  
KA 11-02373

PEOPLE  
V  
DONALD SWICK

Appeal from a judgment of the Livingston County Court (Robert B. Wiggins, J.), rendered July 26, 2011. The judgment revoked a term of probation and imposed a term of incarceration.

JEANNIE MICHALSKI for DONALD SWICK

Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

97.0  
KA 13-01880

PEOPLE  
V  
CHAROD P. WHITE

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered September 4, 2013. The judgment convicted defendant, upon a nonjury verdict, of robbery in the first degree and robbery in the second degree.

LINDA M. CAMPBELL for CHAROD P. WHITE

10 minutes

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

98.0  
KA 15-00176

PEOPLE  
V  
AKEEM WALLACE

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), rendered May 18, 2014. The judgment convicted defendant, after a nonjury trial, of criminal possession of a weapon in the second degree.

ROBERT L. KEMP for AKEEM WALLACE

10 minutes

JACK J. NIEJADLIK for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

99.0  
KA 12-01592

PEOPLE  
V  
MICHAEL J. BROWN

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered June 21, 2012. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree, criminal possession of a controlled substance in the fifth degree, and criminally using drug paraphernalia in the second degree (two counts).

BRIDGET L. FIELD for MICHAEL J. BROWN 10 minutes

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

100.0  
CAF 15-02028

ANDREA L. CROCE  
V  
NICHOLAS J. DESANTIS

Appeal from a decision and order of the Family Court, Erie County (Tracey A. Kassman, R.), entered August 13, 2015, in a proceeding pursuant to Family Court article 6. The decision and order, inter alia, granted the petition of petitioner for leave to relocate to Columbus, Ohio.

MATT A. ALBERT for NICHOLAS J. DESANTIS 10 minutes

CHARLES A. MESSINA for ANDREA L. CROCE 10 minutes

JENNIFER M. LORENZ, ATTORNEY FOR CHILD 5 minutes

102.0  
CA 15-01768

CHRISTINA J. BROYLES  
V  
TOWN OF EVANS

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered July 29, 2015. The order, among other things, granted the motion of defendants Town of Evans, Officer Thomas J. Crupe, and Lieutenant Michael Masullo to dismiss plaintiff's complaint as against them.

LINDA LALLI STARK for CHRISTINA J. BROYLES 10 minutes

BRENNA C. GUBALA for TOWN OF EVANS 10 minutes

103.0  
CA 16-00579

JAMES K. GLOGOWSKI  
V  
COUNTY OF ORLEANS

Appeal from an order of the Supreme Court, Orleans County (James P. Punch, A.J.), entered December 16, 2015 in a proceeding pursuant to CPLR article 78. The order dismissed the petition.

BENJAMIN F. NEIDL for JAMES K. GLOGOWSKI 10 minutes

JEREMY A. COLBY for COUNTY OF ORLEANS 10 minutes

104.0  
CA 16-00527

HUMAN TECHNOLOGIES CORPORATION  
V  
TENNESSEE-ALABAMA MANUFACTURING, INC.



Appeal from a decision and order of the Supreme Court, Herkimer County (Erin P. Gall, J.), entered June 2, 2015. The order granted the motion of plaintiff for summary judgment striking the answer of defendant, denied the motion of defendant for summary judgment and dismissed the counterclaims of defendant.

DAVID TEMES for TENNESSEE-ALABAMA MANUFACTURING, INC. 10 minutes

MERRITT S. LOCKE for HUMAN TECHNOLOGIES CORPORATION 10 minutes

105.0  
CA 16-00833

DIXIE D. LEMMON  
V  
SENECA MEADOWS, INC.

Appeal from a memorandum decision and judgment of the Supreme Court, Seneca County (W. Patrick Falvey, A.J.), entered March 11, 2016. The memorandum decision and judgment granted summary judgment to respondents and dismissed th CPLR article 78 petition.

DOUGLAS H. ZAMELIS for DIXIE D. LEMMON 10 minutes

CHRISTOPHER D. THOMAS for SENECA MEADOWS, INC. 15 minutes

JANET D. CALLAHAN for JAMES CLEERE 10 minutes

106.0  
CA 16-00672

COUNTY OF HERKIMER  
V  
VILLAGE OF HERKIMER

Appeal from an order and judgment (one paper) of the Supreme Court, Herkimer County (Erin P. Gall, J.) entered February 2, 2016 in a CPLR article 78 proceeding and declaratory judgment action. The order and judgment declared that the County of Herkimer is immune from the zoning restrictions of the Village of Herkimer in this matter.

MICHAEL JON LONGSTREET for VILLAGE OF HERKIMER 20 minutes

THOMAS WEST for COUNTY OF HERKIMER 20 minutes

107.0  
CA 16-00874

ELIZABETH G. QUATTRONE  
V  
ERIE 2-CHAUTAUQUA-CATTARAUGUS BOARD

Appeal from an order of the Supreme Court, Chautauqua County (Paul B. Wojtaszek, J.), entered September 11, 2015. The order, inter alia, granted the motion of defendant for reargument, granted the motion of defendant for summary judgment and dismissed the complaint.

JASON L. SCHMIDT for ELIZABETH G. QUATTRONE 10 minutes

JOSEPH S. BROWN for ERIE 2-CHAUTAUQUA-CATTARAUGUS BOARD 10 minutes

108.0  
CA 16-00815

TROY L. SHUKNECHT  
V  
DALE SHUKNECHT

Appeal from an order and judgment (one paper) of the Supreme Court, Genesee County (Timothy J. Walker, A.J.), entered November 20, 2015. The order and judgment dismissed defendants' counterclaims on the merits with prejudice.

MICHAEL J. WEGMAN for DALE SHUKNECHT 10 minutes

JAMES M. WUJCIK for TROY L. SHUKNECHT 10 minutes

109.0  
CA 16-00847

**RICHARD M. BROWN**  
**V**  
**JARED PRESTON MILLER**

Appeal from a decision and order of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered August 11, 2015. The decision and order denied the motion of defendants for summary judgment dismissing the complaint.

**ALISON K.L. MOYER for JARED PRESTON MILLER**

**10 minutes**

**PETER ROLPH for RICHARD M. BROWN**

**5 minutes**

**DAY CALENDAR**  
**Tuesday, January 17, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

110.0  
KAH 16-00389

PEOPLE EX REL.  
ANTONIO COLE  
V  
HAROLD D. GRAHAM

Appeal from a memorandum decision and order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered August 21, 2015. The memorandum decision and order denied and dismissed the petition for a writ of habeas corpus.

RYAN J. MULDOON for ANTONIO COLE

Submitted

FRANK BRADY for HAROLD D. GRAHAM

Submitted

111.0  
KA 14-02224

PEOPLE  
V  
ADAM J. ROBINSON

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered July 21, 2014. The judgment revoked a term of probation and imposed a term of incarceration.

JOHN A. CIRANDO for ADAM J. ROBINSON

10 minutes

AMY LEIGH HALLENBECK for THE PEOPLE OF THE STATE OF NY

10 minutes

112.0  
KA 13-00143

PEOPLE  
V  
DARRYL GOODWIN

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered November 26, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

DAVID R. JUERGENS for DARRYL GOODWIN

5 minutes

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

5 minutes

113.0  
KA 13-01883

PEOPLE  
V  
MARK E. SCERBO, II

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered July 15, 2013. The judgment convicted defendant, upon a jury verdict, of reckless driving (three counts), driving while intoxicated, as a class D felony (two counts), aggravated driving while intoxicated, as a class D felony, manslaughter in the second degree and convicted defendant, upon a nonjury verdict, of aggravated unlicensed operation of a motor vehicle in the first degree and operating a motor vehicle not equipped with an ignition interlock device.

DREW R. DUBRIN for MARK E. SCERBO, II

10 minutes

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

10 minutes

114.0  
KA 14-01509

PEOPLE  
V  
ERIC CLAY

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered July 18, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

BRIDGET L. FIELD for ERIC CLAY 10 minutes

KELLY CHRISTINE WOLFORD for THE PEOPLE OF THE STATE OF NY 10 minutes

115.0  
KA 14-01373

PEOPLE  
V  
ANGEL HILL

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered May 12, 2014. The judgment convicted defendant, upon a nonjury verdict, of assault in the third degree and harassment in the second degree.

SHERRY A. CHASE for ANGEL HILL 5 minutes

ERIN E. HART for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

116.0  
KA 14-00578

PEOPLE  
V  
ULYSSES M. BETANCES, JR.

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered January 21, 2014. The judgment convicted defendant, upon a jury verdict, of aggravated driving while intoxicated.

MICHAEL J. ROONEY for ULYSSES M. BETANCES, JR. 10 minutes

DANIEL GROSS for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

117.0  
KA 14-00840

PEOPLE  
V  
LEEVESTER L. PAYTON

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered April 10, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the second degree.

WILLIAM G. PIXLEY for LEEVESTER L. PAYTON Submitted

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

118.0  
KA 14-00875

PEOPLE  
V  
SHAKEYMO A. HODGE

Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered March 21, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree and criminal sale of a controlled substance in the third degree.

CARA A. WALDMAN for SHAKEYMO A. HODGE 10 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

119.0  
KA 14-00874

**PEOPLE**  
**V**  
**SHAKEYMO A. HODGE**

Appeal from a judgment of the Supreme Court, Steuben County (Peter C. Bradstreet, J.), rendered March 21, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree and criminal sale of a controlled substance in the third degree.

CARA A. WALDMAN for SHAKEYMO A. HODGE

Submitted

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

Submitted

120.0  
KA 15-00322

**PEOPLE**  
**V**  
**TIMOTHY HARRIS**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered January 8, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

KRISTIN M. PREVE for TIMOTHY HARRIS

5 minutes

NICHOLAS T. TEXIDO for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

121.0  
CAF 16-00225

**In the Matter of**  
**AALIYAH B.**

Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered January 8, 2016 in a proceeding pursuant to Family Court Act article 10. The order, among other things, adjudged that respondent had neglected the subject children.

PIOTR BANASIAK for CHRISTINA B.

10 minutes

MAGGIE SEIKALY for ONONDAGA CO. DEPT. OF CHILD SERVS.

Submitted

TIMOTHY ALOYSIUS ROULAN, ATTORNEY FOR CHILD

10 minutes

122.0  
CA 15-01336

**JOSEPH W. SLATTERY**  
**V**  
**TOPS MARKETS, LLC**

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered July 1, 2015 in a personal injury action. The order denied defendant's motion for summary judgment.

MELISSA A. FOTI for TOPS MARKETS, LLC

10 minutes

THERESA M. WALSH for JOSEPH W. SLATTERY

10 minutes

123.0  
CAF 15-01356

**ALAN R. PFLANZ**  
**V**  
**ALICIA M. PFLANZ**

Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, R.), entered July 22, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, adjudged that Alicia M. Pfanz have primary physical custody of the subject children.

JOHN J. RASPANTE for ALAN R. PFLANZ

Submitted

PAUL DEEP for ALICIA M. PFLANZ

Submitted

MICHELE E. DETRAGLIA, ATTORNEY FOR CHILD

Submitted

124.0  
CA 16-00270

GARY SKALYO

V

LAUREL PARK CONDOMINIUM BOARD

Appeal and cross appeal from an order of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered October 8, 2015. The order, inter alia, denied the motion to dismiss the complaint and granted the motion of defendants for summary judgment on their first and second counterclaims.

RICHARD G. COLLINS for GARY SKALYO

10 minutes

RYAN LANCE GELLMAN for LAUREL PARK CONDOMINIUM BOARD

10 minutes

125.0  
CA 16-00505

GARY SKALYO

V

LAUREL PARK CONDOMINIUM BOARD

Appeal from a judgment of the Supreme Court, Erie County (Frederick J. Marshall, J.), entered December 21, 2015. The judgment awarded money damages to defendants for fines and penalties.

RICHARD G. COLLINS for GARY SKALYO

Submitted

RYAN LANCE GELLMAN for LAUREL PARK CONDOMINIUM BOARD

Submitted

**DAY CALENDAR**  
**Wednesday, January 18, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

127.0  
KA 15-00073

**PEOPLE**  
**V**  
**BARRY HOLLIS**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered November 17, 2014. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree and rape in the second degree.

TIMOTHY P. MURPHY for BARRY HOLLIS Submitted

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

128.0  
KA 15-00949

**PEOPLE**  
**V**  
**DAMONI HALL**

Appeal from a judgment of the Supreme Court, Erie County (M. William Boller, A.J.), rendered January 30, 2015. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

DEBORAH K. JESSEY for DAMONI HALL Submitted

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

129.0  
KA 15-00333

**PEOPLE**  
**V**  
**GLENWOOD E. CARR, JR.**

Appeal from a judgment of the Oswego County Court (Donald E. Todd, J.), rendered December 15, 2014. The judgment convicted defendant, upon his plea of guilty, of murder in the second degree.

MICHAEL G. CIANFARANO for GLENWOOD E. CARR, JR. 10 minutes

AMY LEIGH HALLENBECK for THE PEOPLE OF THE STATE OF NY 10 minutes

130.0  
KA 14-01899

**PEOPLE**  
**V**  
**RODNEY MCFARLAND**

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, Monroe County (Thomas E. Moran, J.), entered August 29, 2014. The order denied the motion of defendant to vacate the judgment of conviction pursuant to CPL 440.10.

CATHERINE H. JOSH for RODNEY MCFARLAND 10 minutes

STEPHEN X. O'BRIEN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

131.0  
KA 10-00287

**PEOPLE**  
**V**  
**FRANK GARCIA**

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered December 16, 2009. The judgment convicted defendant, upon a jury verdict, of murder in the first degree (two counts) and attempted murder in the first degree.

DAVID R. JUERGENS for FRANK GARCIA 15 minutes

KELLY CHRISTINE WOLFORD for THE PEOPLE OF THE STATE OF NY 10 minutes

132.0  
KA 14-00639

PEOPLE  
V  
DENNIS BROWN

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered February 13, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.

JOHN J. GILSENAN for DENNIS BROWN 10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

133.0  
KA 14-00579

PEOPLE  
V  
WILLIAM D. GIBSON, JR.

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered November 14, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

JANE I. YOON for WILLIAM D. GIBSON, JR. 10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

134.0  
KA 13-02208

PEOPLE  
V  
YOSEF SIMON-PAGE

Appeal from a judgment of the Steuben County Court (Peter C. Bradstreet, J.), rendered June 10, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

EDWARD PEKAREK for YOSEF SIMON-PAGE 10 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

135.0  
CA 16-00250

RICCELLI ENTERPRISES, INC.  
V  
3679 RIVER ROAD, INC.

Appeal from a decision an order of the Supreme Court, Onondaga County (Donald F. Cerio, Jr., A.J.), entered May 8, 2015. The decision and order, inter alia, granted the motion of plaintiffs-petitioners for partial summary judgment.

JEFFREY W. LANG for STATE OF NY WORKERS' COMPENSATION 10 minutes

PATRICIA S. NAUGHTON for RICCELLI ENTERPRISES, INC. 20 minutes

136.0  
CA 16-00661

RICCELLI ENTERPRISES, INC.  
V  
3679 RIVER ROAD, INC.



Appeal from a decision an order of the Supreme Court, Onondaga County (Donald F. Cerio, Jr., A.J.), entered April 4, 2016. The decision and order denied the motion of respondents-defendants for renewal.

JEFFREY W. LANG for STATE OF NY WORKERS' COMPENSATION

Submitted

PATRICIA S. NAUGHTON for RICCELLI ENTERPRISES, INC.

Submitted

137.0  
CA 16-01213

**KIMBROOK ROUTE 31, L.L.C.**

**V**

**MAUREEN T. BASS**

Appeal from an order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered September 25, 2015. The order granted defendant's motion to dismiss plaintiffs' complaint.

DAVID TEMES for KIMBROOK ROUTE 31, L.L.C.

Submitted

JANET D. CALLAHAN for MAUREEN T. BASS

10 minutes

138.0  
CA 15-02175

**MKCAC, LLC**

**V**

**COUNTY OF ONEIDA**

Appeal from a decision and order of the Supreme Court, Oneida County (Erin P. Gall, J.), entered March 5, 2015. The decision and order, insofar as appealed from, denied the motion of plaintiffs for summary judgment, granted the cross motion of defendant County of Oneida to amend its answer, granted the cross motion of defendant County of Oneida and dismissed the complaint against defendant County of Oneida.

JOHN A. CIRANDO for MKCAC, LLC

15 minutes

MARK O. CHIECO for COUNTY OF ONEIDA

10 minutes

SARAH C. HUGHES for TONY BAKER

5 minutes

MICHAEL A. DAMIA for SHUMAKER CONSULTING, ENGINEERING AN

10 minutes

ROCCO L. VERSACE for HOGAN ENGINEERING, PC

5 minutes

139.0  
CA 16-00543

**CITY OF SYRACUSE**

**V**

**COR DEVELOPMENT COMPANY, LLC**

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered January 25, 2016. The order, insofar as appealed from, granted the motion of defendants to dismiss plaintiff's claim for rescission and cancelled and discharged a notice of pendency.

JOHN A. SICKINGER for CITY OF SYRACUSE

10 minutes

CHRISTOPHER BUCKEY for COR DEVELOPMENT COMPANY, LLC

10 minutes

140.0  
CA 16-00986

**VILLAGE OF SCOTTSVILLE**

**V**

**JOHN MCINTOSH**

Appeal from a final judgment and order of the Supreme Court, Monroe County (Renee Forgens Minarik, A.J.), entered September 10, 2015. The final judgment and order, inter alia, granted the cross motion of plaintiff for summary judgment and a permanent injunction.

FRANK A. ALOI for JOHN MCINTOSH

Submitted

	DANIEL R. MAGILL for VILLAGE OF SCOTTSVILLE	15 minutes
141.0 TP 16-01171	KENNETH JAMES V TINA M. STANFORD	
	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 [Penny M. Wolfgang, J.], entered February 19, 2016) to review a determination of respondent. The determination revoked the parole of petitioner.	
	KENNETH JAMES for HIMSELF	Submitted
	BRIAN D. GINSBERG for TINA M. STANFORD	Submitted
142.0 CA 16-00031	EASTBROOKE CONDOMINIUM V ELAINE AINSWORTH	
	Appeal from a final order and judgment of the Supreme Court, Monroe County (John J. Ark, J.), entered March 27, 2015. The final order and judgment, insofar as appealed from, provided that unit owners who had filed specific authorizations for a specific year prior to the filing of the note of issue for that particular year and who were legal owners of the property on March 1 of the particular year are entitled to tax refunds.	
	ROBERT L. JACOBSON for EASTBROOKE CONDOMINIUM	15 minutes
	THOMAS A. FINK for ELAINE AINSWORTH	15 minutes
143.0 CA 16-00184	EASTBROOKE CONDOMINIUM V ELAINE AINSWORTH	
	Appeal from an amended modified decision and order of the Supreme Court, Monroe County (John J. Ark, J.), entered November 18, 2015. The amended modified decision and order granted in part the motion of petitioners to modify an order entered March 27, 2015 the extent of designating owners entitled to refunds.	
	THOMAS A. FINK for ELAINE AINSWORTH	Submitted
	ROBERT L. JACOBSON for EASTBROOKE CONDOMINIUM	Submitted
144.0 CA 15-02128	RICHARD HEIN V TINA M. STANFORD	
	Appeal from a decision and judgment of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered October 28, 2015. The decision and judgment dismissed the CPLR article 78 petition.	
	RICHARD HEIN for RICHARD HEIN	Submitted
	BRIAN D. GINSBERG for TINA M. STANFORD	Submitted
145.0 CA 16-01268	DAVID LOBDELL V CHARLOTTE A. CAHILL	<b>SETTLED</b>
	Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered May 18, 2016. The order, among other things, denied defendant's motion for summary judgment.	

KAREN J. KROGMAN DAUM for CHARLOTTE A. CAHILL

ROBERT A. QUATTROCCI for DAVID LOBDELL

146.0  
CA 16-01197

**AUTOCRAFTING FLEET SOLUTIONS, INC.**

**V**

**JEFF BELL**

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered May 6, 2016. The order denied defendant Jeff Bell's motion to dismiss the complaint as against him.

STACEY E. TRIEN for JEFF BELL

10 minutes

DAVID DENNIS SPOTO for AUTOCRAFTING FLEET SOLUTIONS, INC.

10 minutes

147.0  
CA 15-01550

**JOSHUA P. BOULTER**

**V**

**ROCHELLE R. BOULTER**

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered December 1, 2014. The order, among other things, adjudged that it would be in the best interest of the subject child to relocate to Japan with plaintiff.

JOHN A. CIRANDO for ROCHELLE R. BOULTER

10 minutes

JANE G. LAROCK for JOSHUA P. BOULTER

10 minutes

KIMBERLY ANN WOOD, ATTORNEY FOR CHILD

5 minutes

148.0  
CA 15-01938

**JOSHUA P. BOULTER**

**V**

**ROCHELLE R. BOULTER**

Appeal from a judgment of the Supreme Court, Jefferson County (James P. McClusky, J.), entered March 15, 2015. The judgment, among other things, adjudged that plaintiff shall have custody of the subject child.

JOHN A. CIRANDO for ROCHELLE R. BOULTER

Submitted

JANE G. LAROCK for JOSHUA P. BOULTER

Submitted

KIMBERLY ANN WOOD, ATTORNEY FOR CHILD

Submitted

**DAY CALENDAR**  
**Wednesday, January 18, 2017 - 10:00 AM**  
**COURTROOM 2**

149.0  
TP 16-00205

**LIONELL 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, Cayuga County [Mark H. Fandrich, A.J.], entered January 28, 2016) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

LIONELL NELSON for HIMSELF

Submitted

WILLIAM E. STORRS for ANTHONY ANNUCCI

Submitted

150.0  
KA 15-01227

**PEOPLE**  
**V**  
**ISRAEL RODRIGUEZ**

Appeal from a decision and order of the Supreme Court, Erie County (Russell P. Buscaglia, J.), entered April 22, 2015. The decision and order determined defendant to be a level two risk pursuant to the Sex Offender Registration Act.

ROBERT L. KEMP for ISRAEL RODRIGUEZ

Submitted

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

Submitted

151.0  
KA 11-01946

**PEOPLE**  
**V**  
**DEREK GETMAN**

Appeal from a judgment of the Livingston County Court (Dennis M. Cohen, J.), rendered June 30, 2011. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree.

JEANNIE MICHALSKI for DEREK GETMAN

Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

152.0  
KA 11-01947

**PEOPLE**  
**V**  
**DEREK GETMAN**

Appeal from a judgment of the Livingston County Court (Dennis M. Cohen, J.), rendered June 30, 2011. The judgment convicted defendant, upon his plea of guilty, of attempted promoting a sexual performance by a child.

JEANNIE MICHALSKI for DEREK GETMAN

Submitted

JOSHUA J. TONRA for THE PEOPLE OF THE STATE OF NEW YORK

Submitted

153.0  
KA 15-01124

**PEOPLE**  
**V**  
**NATHAN HULME**

Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered February 26, 2015. The judgment convicted defendant, upon a jury verdict, of perjury in the first degree (two counts).

NORMAN P. EFFMAN for NATHAN HULME

10 minutes

VINCENT A. HEMMING for THE PEOPLE OF THE STATE OF NEW YORK

5 minutes

154.0  
KA 13-02062

PEOPLE  
V  
DELVON HARLEY

Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered September 25, 2013. The judgment convicted defendant, upon his plea of guilty, of attempted murder in the second degree and robbery in the first degree (two counts).

EVAN B. HANNAY for DELVON HARLEY

Submitted

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

Submitted

155.0  
KA 15-00323

PEOPLE  
V  
MICHAEL NANCE

Appeal from a judgment of the Supreme Court, Erie County (Christopher J. Burns, J.), entered January 8, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree.

SHERRY A. CHASE for MICHAEL NANCE

10 minutes

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

10 minutes

156.0  
KA 16-01027

PEOPLE  
V  
RICK E. CARTER

Appeal from a judgment of the Allegany County Court (Terrance M. Parker, J.), rendered June 22, 2015. The judgment convicted defendant, upon his plea of guilty, of course of sexual conduct against a child in the first degree.

JOSEPH P. MILLER for RICK E. CARTER

10 minutes

J. THOMAS FUOCO for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

157.0  
KA 15-01101

PEOPLE  
V  
DWIGHT MITCHELL

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered September 20, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree.

SHERRY A. CHASE for DWIGHT MITCHELL

5 minutes

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

5 minutes

158.0  
KA 14-01870

PEOPLE  
V  
JOSEPH WALKER, JR.

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered May 7, 2013. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

TIMOTHY P. MURPHY for JOSEPH WALKER, JR. 10 minutes

MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

159.0  
KA 16-00958

PEOPLE  
V  
JOSEPH WALKER, JR.

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered May 7, 2012. The judgment convicted defendant, upon his plea of guilty, of robbery in the first degree.

TIMOTHY P. MURPHY for JOSEPH WALKER, JR. Submitted

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

160.0  
CA 15-01971

JIMMIE LARKE, III  
V  
TINA MCCARY MOORE

Appeal from an order of the Supreme Court, Erie County (Shirley Toutman, J.), entered January 20, 2015. The order, among other things, granted defendant Tina McCary Moore's motion to dismiss the complaint.

JOY A. KENDRICK for JIMMIE LARKE, III 15 minutes

TINA MCCARY MOORE for HERSELF Submitted

MICHAEL K. DVORKIN for ING RELIASTAR LIFE INSURANCE COMPANY 15 minutes

161.0  
CA 16-00109

JIMMIE LARKE, III  
V  
TINA MCCARY MOORE

Appeal from an order of the Supreme Court, Erie County (Shirley Toutman, J.), entered December 16, 2015. The order, among other things, denied plaintiffs' motion to renew or reargue.

JOY A. KENDRICK for JIMMIE LARKE, III Submitted

TINA MCCARY MOORE for HERSELF Submitted

MICHAEL K. DVORKIN for ING RELIASTAR LIFE INSURANCE COMPANY Submitted

162.0  
CA 16-01208

TONI HAJDAJ  
V  
JESSICA M. ZUBIN

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered May 2, 2016. The order denied the motion of defendants for summary judgment.

MARTHA E. DONOVAN for JESSICA M. ZUBIN 10 minutes

JOHN PETER FEROLETO for TONI HAJDAJ 10 minutes

163.0  
CA 16-00481

BARBARA TABONI  
V  
KALEIDA HEALTH

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered November 2, 2015. The order granted the motion of defendants for summary judgment and dismissed the complaint.

KENNETH A. SZYSZKOWSKI for BARBARA TABONI

10 minutes

AMANDA C. ROSSI for KALEIDA HEALTH

10 minutes

164.0  
CA 16-00079

ACEA MOSEY  
V  
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered March 25, 2015. The order granted in part the motion of defendant for an order and denied the cross motion of plaintiff to strike defendant's answer.

JOHN TIMOTHY LOSS for ACEA MOSEY

15 minutes

JEREMY C. TOTH for COUNTY OF ERIE

15 minutes

165.0  
CA 16-00080

ACEA MOSEY  
V  
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered May 11, 2015. The order, insofar as appealed from, granted the motion of defendant for a protective order as related to a demand concerning County Executive Mark Poloncarz.

JOHN TIMOTHY LOSS for ACEA MOSEY

Submitted

JEREMY C. TOTH for COUNTY OF ERIE

Submitted

166.0  
CA 16-00842

ACEA MOSEY  
V  
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered May 5, 2015. The order settled the record on appeal for appeals 1 and 2.

JOHN TIMOTHY LOSS for ACEA MOSEY

Submitted

JEREMY C. TOTH for COUNTY OF ERIE

Submitted

167.0  
CA 16-00406

US BANK NATIONAL ASSOCIATION  
V  
PAUL SINAY

Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered June 24, 2015. The order, among other things, denied plaintiff's motion to vacate a prior order and judgment of dismissal signed on August 27, 2013.

MICHAEL JABLONSKI for US BANK NATIONAL ASSOCIATION

15 minutes

DAVID P. MARTIN for PAUL SINAY

Submitted

LARRY GERAW for HIMSELF

Submitted

SHIRLEY L. MONTANA for HERSELF

Submitted

168.0  
CA 16-00201

**RONALD KOZLOWSKI**  
V  
**ALLIED BUILDERS, INC.**

**SETTLED**

Appeal from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered November 6, 2015. The order granted plaintiffs' motion for summary judgment on the issue of liability under Labor Law § 240 (1).

GERARD E. O'CONNOR for ALLIED BUILDERS, INC.

MICHAEL J. WILLETT for RONALD KOZLOWSKI

169.0  
CA 16-00117

**LANCE FERRAND**  
V  
**TOWN OF NORTH HARMONY**

Appeal from an order and judgment of the Supreme Court, Chautauqua County (Paul B. Wojtaszek, J.), entered September 24, 2015. The order and judgment granted the motion of defendants for summary judgment and dismissed the action.

BRIAN CHAPIN YORK for LANCE FERRAND

10 minutes

MICHAEL P. MCCLAREN for TOWN OF NORTH HARMONY

10 minutes

170.0  
CA 15-01530

**ANNA BARRETT**  
V  
**WALTER GREENDA**

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered July 8, 2015. The order denied without prejudice the motion of defendants TD Ameritrade Holding Corporation, TD Ameritrade, Inc., TD Ameritrade Institutional and TD Ameritrade Clearing, Inc., to dismiss the complaint or to compel arbitration.

DAVID S. RICHAN for TD AMERITRADE HOLDING CORPORATION

15 minutes

JOANNE A. SCHULTZ for ANNA BARRETT

15 minutes

171.0  
CA 16-00773

**STEVEN NEUMANN**  
V  
**DHU PRODUCTIONS, LLC**

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered January 7, 2016. The order, among other things, granted plaintiff's motion for partial summary judgment on the issue of liability under Labor Law § 240 (1).

JOSEPH A. MATTELIANO for DHU PRODUCTIONS, LLC

10 minutes

JOHN A. COLLINS for STEVEN NEUMANN

10 minutes

172.0  
CA 16-00813

**STEPHEN M. JONES**  
V  
**NAZARETH COLLEGE OF ROCHESTER**

Appeal from an order of the Supreme Court, Genesee County (Robert C. Noonan, A.J.), entered December 10, 2015. The order denied plaintiff's motion for summary judgment.

CARRIE L. SMITH for STEPHEN M. JONES

15 minutes

TAMSIN J. HAGER for NAZARETH COLLEGE OF ROCHESTER

15 minutes



DAVID RAY ADAMS for CROSBY-BROWNLIE, INC.

15 minutes

173.0  
CA 16-01147

CASSANDRA BLAKE  
V  
COUNTY OF WYOMING

Appeal from a decision and order of the Supreme Court, Wyoming County (Michael F. Griffith, A.J.), entered April 18, 2016. The decision and order denied the motion of defendant for summary judgment.

RYAN G. SMITH for COUNTY OF WYOMING

10 minutes

CARRIE L. SMITH for CASSANDRA BLAKE

10 minutes

**DAY CALENDAR**  
**Thursday, January 19, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

174.0  
KA 15-01886

**PEOPLE**  
**V**  
**VERNON J. DIXON**

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered June 12, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the third degree (two counts), menacing in the second degree and attempted menacing a police officer.

CHARLES A. MARANGOLA for VERNON J. DIXON Submitted

BRIAN THOMAS LEEDS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

175.0  
KA 14-02192

**PEOPLE**  
**V**  
**TERRY L. HOLMES**

Appeal from a judgment of the Orleans County Court (James P. Punch, J.), rendered September 22, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a controlled substance in the third degree.

CAITLIN M. CONNELLY for TERRY L. HOLMES Submitted

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

176.0  
KA 13-00677

**PEOPLE**  
**V**  
**MOSES MADDEN, III**

Appeal from a judgment of the Supreme Court, Monroe County (Gail A. Donofrio, J.), rendered January 23, 2013. The judgment convicted defendant, upon his plea of guilty, of reckless endangerment in the first degree and aggravated criminal contempt.

KATHLEEN P. REARDON for MOSES MADDEN, III 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

177.0  
KA 11-01538

**PEOPLE**  
**V**  
**RICHARD MCGUIRE**

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered June 8, 2011. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

KATHLEEN P. REARDON for RICHARD MCGUIRE 10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

178.0  
KA 14-00196

**PEOPLE**  
**V**  
**ROSS SANFORD, JR.**

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered January 17, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree.

KRISTEN MCDERMOTT for ROSS SANFORD, JR.

15 minutes

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

10 minutes

179.0  
KA 13-01621

PEOPLE

V

JOHN FRIELLO

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered April 30, 2013. The judgment convicted defendant, upon a jury verdict, of driving while intoxicated, a class E felony, and aggravated unlicensed operation of a motor vehicle in the first degree.

GUY A. TALIA for JOHN FRIELLO

Submitted

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

10 minutes

180.0  
KA 15-00159

PEOPLE

V

PERNELL PARKER

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered January 20, 2015. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the fifth degree and tampering with physical evidence.

BARBARA J. DAVIES for PERNELL PARKER

10 minutes

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

5 minutes

181.0  
KA 16-00783

PEOPLE

V

LYLE SOMERS

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered October 15, 2015. The judgment convicted defendant, upon his plea of guilty, of unlawful surveillance in the second degree.

J. SCOTT PORTER for LYLE SOMERS

10 minutes

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

10 minutes

182.0  
KA 14-01214

PEOPLE

V

TERRANCE FOREST

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered February 5, 2014. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree.

SARA A. GOLDFARB for TERRANCE FOREST

10 minutes

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

10 minutes

183.0  
KA 13-00381

PEOPLE

V

ERIC B. JONES

Appeal from a judgment of the Monroe County Court (Vincent M. DiNolfo, J.), rendered August 30, 2012. The judgment convicted defendant, upon a jury verdict, of course of sexual conduct against a child in the second degree (two counts) and sexual abuse in the second degree.

GARY MULDOON for ERIC B. JONES 10 minutes

NANCY GILLIGAN for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

184.0  
CA 16-00323

LUAM K. ABRAHA  
V  
CHRISTINE M. ADAMS, M.D.

Appeals and cross appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered June 10, 2015. The order, among other things, adjudged, that the bulk of the records subpoenaed to the court from Haven House for an in camera review, were not subject to disclosure.

ELIZABETH G. ADYMY for ERIE COUNTY MEDICAL CENTER CORPORAT 10 minutes

MICHAEL J. WILLETT for CHRISTINE M. ADAMS, M.D. 10 minutes

CAREY C. BEYER for LUAM K. ABRAHA 10 minutes

185.0  
CA 16-01257

ALFRED G. GILBERT  
V  
PLANNING BOARD OF TOWN OF IRONDEQUOIT

Appeal from an order of the Supreme Court, Monroe County (William K. Taylor, J.), entered May 6, 2016 in a proceeding pursuant to CPLR article 78. The order granted respondent's motion to dismiss the petition.

WARREN B. ROSENBAUM for ALFRED G. GILBERT 15 minutes

MEGHAN K. MCGUIRE for PLANNING BD. OF TOWN OF IRONDEQUOIT 15 minutes

186.0  
CA 16-00761

PETER M. HENDRICKSON  
V  
KRISTINA L. HENDRICKSON

Appeal from an order of the Supreme Court, Allegany County (Terrence M. Parker, A.J.), entered July 16, 2015. The order, among other things, awarded the parties joint custody of the subject child with primary placement to plaintiff.

MICHAELA K. R. AZEMI for KRISTINA L. HENDRICKSON 10 minutes

TIMOTHY JOHN ROSELL for PETER M. HENDRICKSON 10 minutes

CAROLYN KELLOGG JONAS, ATTORNEY FOR CHILD 10 minutes

187.0  
CA 16-00776

JEROL K. MELNICK, SR.  
V  
RONALD E. CHASE

Appeal from an order of the Supreme Court, Chautauqua County (Paul B. Wojtaszek, J.), entered January 22, 2016. The order denied plaintiff's motion to set aside the jury verdict and for a new trial on the issues of damages.

ETHAN W. COLLINS for JEROL K. MELNICK, SR. 15 minutes

KEITH N. BOND for RONALD E. CHASE 15 minutes

188.0  
CA 16-00859

**JAMES PIRRITANO**  
V  
**NEW YORK STATE THRUWAY AUTHORITY**

**SETTLED**

Appeal and cross appeal from an order of the Court of Claims (Michael E. Hudson, J.), entered June 11, 2015. The order, among other things, denied claimant's motion for partial summary judgment and denied in part defendants' motion for summary judgment.

DANIEL J. CHIACCHIA for JAMES PIRRITANO

WILLIAM K. KENNEDY for NEW YORK STATE THRUWAY AUTHORITY

189.0  
CA 16-01267

**TERESA G. SMITH**  
V  
**UNITED REFINING COMPANY OF PENNSYLVANIA**

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered July 17, 2015. The order denied in part defendants' motion for summary judgment.

MICHAEL J. WILLETT for UNITED REFINING CO. OF PENNSYLVANIA

10 minutes

ELLEN B. STURM for TERESA G. SMITH

10 minutes

190.0  
TP 16-00820

**SHANNON SCHEUNEMAN**  
V  
**NEW YORK STATE DIVISION 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 [Fredrick J. Marshall, J.], dated May 9, 2016) to review a determination of respondent Department of Human Rights. The determination dismissed petitioner's complaint against the Town of Tonawanda.

LINDY KORN for SHANNON SCHEUNEMAN

15 minutes

KRISTIN K. WHEATON for TOWN OF TONAWANDA

15 minutes

CAROLINE J. DOWNEY for NYS DIVISION OF HUMAN RIGHTS

Submitted

191.0  
CA 16-01263

**GERALD LANGGOOD**  
V  
**CARROLS, LLC**

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered February 25, 2016. The order denied defendant's motion for summary judgment.

ERIC S. BERNHARDT for CARROLS, LLC

10 minutes

SHANNON S. FUHRMAN for GERALD LANGGOOD

10 minutes

192.0  
CA 16-01269

**ASHTON BLAIR MCEVOY**  
V  
**MULDOON & GETZ**

**SETTLED**

Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered May 2, 2016. The order denied defendants' motion for summary judgment dismissing plaintiff's complaint.

DENNIS R. MCCOY for MULDOON & GETZ

**MICHAEL J. SKONEY for ASHTON BLAIR MCEVOY**

**193.0  
CA 16-00917**

**ROSALIE L. PACINO**

**V**

**ROBIN LEWIS**

**Appeal from an order and judgment of the Supreme Court, Genesee County (Mark Grisanti, J.), entered September 21, 2015. The order and judgment, insofar as appealed from, granted the motion of defendants Dave Reisdorf, Inc., and Mark Shaw for summary judgment and dismissed the complaint against them.**

**ELLEN B. STURM for ROSALIE L. PACINO**

**10 minutes**

**MARK R. AFFRONTI for DAVE REISDORF, INC.**

**10 minutes**

**DAY CALENDAR**  
**Thursday, January 19, 2017 - 10:00 AM**  
**COURTROOM 2**

193.1  
KA 14-01407

**PEOPLE**  
**V**  
**DERRICK HALL**

Appeal from a judgment of the Niagara County Court (Sara S. Farkas, J.), rendered March 27, 2013. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree (two counts).

**JOSEPH G. FRAZIER for DERRICK HALL**

**Submitted**

**THOMAS H. BRANDT FOR PEOPLE OF THE STATE OF NEW YORK**

**Submitted**

**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	<b>THERESA A. LAMPHRON-READ</b> V <b>DAVIS MONTGOMERY</b>	
	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	<b>STEPHEN REUS</b> <b>SETTLED</b> V <b>CHURCHVILLE CHILI CENTRAL SCHOOL DIST.</b>	
	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	<b>RYAN NICASTRO</b> V <b>NEW YORK CENTRAL MUTUAL FIRE INS.</b>	
	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	<b>WILL FOODS, LCC</b> V <b>WILL POULTRY CO., INC.</b>	
	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	<b>WILL FOODS, LCC</b> V <b>WILL POULTRY CO., INC.</b>	

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