

DAY CALENDAR
Wednesday, May 24, 2017 - 10:00 AM
COURTROOM 2

836.0
TP 16-02186

FRANS SITAL
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 H, Mohun, A.J.], entered November 30, 2016) to review a determination of respondent. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

ADAM W. KOCH for FRANS SITAL

Submitted

LAURA ETLINGER for ANTHONY ANNUCCI

Submitted

837.0
KA 15-00066

PEOPLE
V
NATHANIEL J. DOYLE

Appeal from a judgment of the Monroe County Court (Christopher S. Ciaccio, J.), rendered April 2, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal contempt in the first degree (two counts).

KIMBERLY F. DUGUAY for NATHANIEL J. DOYLE

Submitted

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

Submitted

838.0
KA 15-00279

PEOPLE
V
ROBERT F. HERMAN

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered December 3, 2014. The judgment convicted defendant, upon his plea of guilty, of failure to register or verify as a sex offender.

JANET C. SOMES for ROBERT F. HERMAN

Submitted

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

Submitted

839.0
KA 16-01034

PEOPLE
V
JERALD D. LASHER

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered May 3, 2016. The judgment convicted defendant, upon his plea of guilty, of attempted rape in the second degree and attempted sexual abuse in the first degree.

THERESA L. PREZIOSO for JERALD D. LASHER

Submitted

THOMAS H. BRANDT for PEOPLE OF THE STATE OF NEW YORK

Submitted

840.0
KA 14-02283

PEOPLE
V
FABIAN RANDALL

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered October 2, 2014. The judgment convicted defendant, upon his plea of guilty, of rape in the first degree.

JANE I. YOON for FABIAN RANDALL

Submitted

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

Submitted

841.0
KA 14-02097

PEOPLE
V
VIRGIL R. BROWN

Appeal from a judgment of the Erie County Court (Kenneth F. Case, J.), rendered April 14, 2014. The judgment convicted defendant, upon a jury verdict, of predatory sexual assault against a child.

TIMOTHY P. MURPHY for VIRGIL R. BROWN

15 minutes

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

10 minutes

842.0
CAF 16-00234

In the Matter of
NEVAEH D.J.

Appeal from an order of the Family Court, Erie County (Lisa Bloch Rodwin, J.), entered January 15, 2016 in a proceeding pursuant to Family Court Act article 10. The order granted custody of the subject child to Kimberly J. Souder.

DEBORAH J. SCINTA for DANIEL J.

5 minutes

ELISABETH M. COLUCCI for ERIE COUNTY DSS

Submitted

PETER P. VASILION for JANELLE J.

Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD

Submitted

843.0
CAF 16-02055

ANDY FARNER
V
BRANDY FARNER

Appeal from a decision and order of the Family Court, Cattaraugus County (Judith E. Samber, R.), entered February 19, 2016, in a proceeding pursuant to Family Court Act article 6. The decision and order granted the motion of respondent to dismiss, dismissed the amended petition and directed the return of the child to respondent.

EMILY A. VELLA for ANDY FARNER

Submitted

RANDY STUART MARGULIS for BRANDY FARNER

10 minutes

LYLE T. HAJDU, ATTORNEY FOR CHILD

10 minutes

844.0
CAF 16-01280

LACIE TURGEON
V
JESSIE BURGWARDT

SETTLED

Appeal from an order of the Family Court, Erie County (Paula G. Buchanan, J.H.O.), entered December 16, 2015, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, designated respondent as the primary residential parent.

TINA M. HAWTHORNE for LACIE TURGEON

GERALD P. GORMAN for JESSIE BURGWARDT

KEVIN C. GIBBONS, ATTORNEY FOR CHILD

845.0
CAF 16-00360

CARLOS SANCHEZ
V
ALBA ALVAREZ

Appeal from an order of the Family Court, Erie County (Brenda M. Freedman, J.), entered February 8, 2016 in a proceeding pursuant to Family Court Act article 6 The order, among other things, denied the petition and awarded respondent sole custody of the subject child.

BERNADETTE HOPPE for CARLOS SANCHEZ 5 minutes
ELIZABETH J. CIAMBRONE for ALBA ALVAREZ 10 minutes
RONALD M. CINELLI, ATTORNEY FOR CHILD Submitted

846.0
CAF 16-00265

MONIQUE DESIREE KELLY
V
CHAUVONNE SENIOR

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered December 14, 2015, in a proceeding pursuant to Family Court article 6. The order dismissed the petition.

WILLIAM D. BRODERICK, JR., for MONIQUE DESIREE KELLY 10 minutes
DAVID J. PAJAK for CHAUVONNE SENIOR Submitted
MELISSA A. REESE, ATTORNEY FOR CHILD 5 minutes

847.0
CAF 15-01347

WILLIAM W. KELLY, III
V
MELANIE WACHOWIAK

Appeal from a corrected decision and order of the Family Court, Erie County (Kevin M. Carter, J.), entered July 7, 2015, in a proceeding pursuant to Family Court Act article 6. The corrected decision and order, inter alia, granted sole custody to William W. Kelly, III.

DENIS A. KITCHEN, JR., for MELANIE WACHOWIAK 10 minutes
CATHARINE M. VENZON for WILLIAM W. KELLY, III 15 minutes
GIOVANNI GENOVESE, ATTORNEY FOR CHILD 10 minutes

848.0
CAF 15-01348

MELANIE WACHOWIAK
V
WILLIAM W. KELLY, III

Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered July 10, 2015, in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for custody.

DENIS A. KITCHEN, JR., for MELANIE WACHOWIAK Submitted
CATHARINE M. VENZON for WILLIAM W. KELLY, III Submitted
GIOVANNI GENOVESE, ATTORNEY FOR CHILD Submitted

849.0
CAF 15-01602

WILLIAM W. KELLY, III
V
MELANIE WACHOWIAK

Appeal from a corrected decision and order of the Family Court, Erie County (Kevin M. Carter, J.), entered August 3, 2015, in a proceeding pursuant to Family Court Act article 6. The corrected decision and order, inter alia, granted sole custody to William W. Kelly, III.

DENIS A. KITCHEN, JR., for MELANIE WACHOWIAK Submitted

CATHARINE M. VENZON for WILLIAM W. KELLY, III Submitted

GIOVANNI GENOVESE, ATTORNEY FOR CHILD Submitted

850.0
CA 16-02328

DECHANTE BARLESTON
V
CHRISTOPHER J. GIANCARLO

Appeals from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered September 20, 2016. The order denied the motions of defendants Christopher J. Giancarlo and John C. Radel to bifurcate the trial of this matter.

JENNIFER J. PHILLIPS for CHRISTOPHER J. GIANCARLO 10 minutes

JILL C. TREMBATH for JOHN C. RADEL 5 minutes

KENNETH A. SZYSZKOWSKI for DECHANTE BARLESTON 10 minutes

851.0
CA 15-01487

SHARON OCCHINO
V
X. CYNTHIA FAN, M.D.

Appeal from an order of the Supreme Court, Erie County (John M. Curran, J.), entered May 22, 2015. The order granted defendants' motion for summary judgment dismissing all claims against them.

MICHAEL J. SKONEY for SHARON OCCHINO 15 minutes

TOMAS J. CALLOCCHIA for X. CYNTHIA FAN, M.D. 15 minutes

852.0
CA 17-00162

JACQUELINE ABATE
V
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered May 4, 2016. The order granted the motion of plaintiff to compel disclosure and denied the cross motion of defendants for a protective order.

ANTHONY B. TARGIA for COUNTY OF ERIE 10 minutes

DEREK J. ROLLER for JACQUELINE ABATE 10 minutes

853.0
CA 16-02141

BAUMANN REALTORS, INC.
V
FIRST COLUMBIA CENTURY-30, LLC

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered April 28, 2016. The order denied the motion of defendants for summary judgment dismissing the complaint.

KIMBERLY M. THRUN for FIRST COLUMBIA CENTURY-30, LLC 15 minutes

DAVID L. ROACH for BAUMANN REALTORS, INC. 15 minutes

854.0
CA 16-02233

DARLENE SIKORSKI-PETRITZ
V
COUNTY OF ERIE

Appeal from an order of the Supreme Court, Erie County (Joseph R. Glowonia, J.), entered April 7, 2016 in a proceeding pursuant to CPLR article 78. The order denied and dismissed the petition with prejudice.

JASON R. DIPASQUALE for DARLENE SIKORSKI-PETRITZ

15 minutes

ANN E. EVANKO for COUNTY OF ERIE

15 minutes

855.0
CA 16-02059

KIM A. KIRSCH

V

BOARD OF EDUCATION OF WILLIAMSVILLE

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered March 3, 2016 in a proceeding pursuant to CPLR article 78. The order, among other things, granted the motion of Michael A. Starvaggi, Esq. to add him as a petitioner and for the court to reconsider its decision to dismiss the petition, and upon reconsideration, granted the petition.

KRISTIN K. WHEATON for BOARD OF EDUCATION OF WILLIAMSVILLE

10 minutes

STANLEY J. SILVERSTONE for KIM A. KIRSCH

15 minutes

856.0
CA 16-01554

MELODY L. DARRIN

V

COUNTY OF CATTARAUGUS

Appeal from an order of the Supreme Court, Cattaraugus County (Jeremiah J. Moriarty, III, A.J.), entered November 4, 2015. The order, insofar as appealed from, denied the motion of plaintiff Bradley Darrin for leave to file and serve a late notice of claim

CHRISTOPHER A. SPENCE for MELODY L. DARRIN

10 minutes

ERIN M. BRADY SWENSON for COUNTY OF CATTARAUGUS

10 minutes

857.0
CA 16-02374

DAVID BOUCHARD

SETTLED

V

PRIORITY CONTRACTING SERVICES, INC.

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered March 30, 2016. The order, insofar as appealed from, granted the motion of plaintiff for partial summary judgment pursuant to Labor Law § 240 (1) against defendant Priority Contracting Services, Inc., and granted the motion of defendants Pyramid Management Group, LLC, and Pyramid Walden Company, L.P., for summary judgment on common law indemnification against Priority Contracting Services, Inc.

RICHARD T. SARAF for PRIORITY CONTRACTING SERVICES, INC.

MARC C. PANEPINTO for DAVID BOUCHARD

MARK C. RODGERS for PYRAMID MANAGEMENT GROUP, LLC