

DAY CALENDAR
Tuesday, November 28, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1383.0
TP 17-01062

ANTOINE PORTER
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. Mohun, A.J.], entered June 5, 2017) to review a determination of respondent. The determination found after a tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for ANTOINE PORTER

Submitted

PATRICK A. WOODS for ANTHONY ANNUCCI

Submitted

1384.0
TP 17-01112

EDWARD ALEXANDER
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. Mohun, A.J.], entered June 8, 2017) 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 EDWARD ALEXANDER

Submitted

JULIE M. SHERIDAN for ANTHONY ANNUCCI

Submitted

1385.0
KA 16-02166

PEOPLE
V
ARTHUR LEWIS

Appeal from an order of the Onondaga County Court (Walter W. Hafner, Jr., J.), dated June 6, 2016. The order determined that defendant is a level three risk pursuant to the Sex offender Registration Act.

SARA A. GOLDFARB for ARTHUR LEWIS

Submitted

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

Submitted

1386.0
KA 16-00536

PEOPLE
V
JEFFERY WILLIAMS

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered December 15, 2015. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

ALAN WILLIAMS for JEFFERY WILLIAMS

Submitted

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

Submitted

1387.0
KA 15-00528

PEOPLE
V
ALEXANDER RODRIGUEZ

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered March 26, 2014. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree (three counts) and attempted assault in the first degree.

GARY MULDOON for ALEXANDER RODRIGUEZ 5 minutes

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

1388.0
KA 14-01859

PEOPLE
V
VERGIL J. WILLINGHAM

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered October 14, 2014. The judgment convicted defendant, upon a nonjury verdict, of criminal possession of a weapon in the second degree.

JON P. GETZ for VERGIL J. WILLINGHAM 10 minutes

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

1389.0
KA 15-01389

PEOPLE
V
KEITH B. JAMES

Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered April 14, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DAVID R. JUERGENS for KEITH B. JAMES 10 minutes

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

1390.0
KA 16-01414

PEOPLE
V
JONATHAN SOLIVAN

Appeal from a judgment of the Supreme Court, Monroe County (Judith A. Sinclair, J.), rendered August 16, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

DAVID M. ABBATOY, JR., for JONATHAN SOLIVAN 10 minutes

KELLY CHRISTINE WOLFORD for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1391.0
KA 11-02609

PEOPLE
V
SCOTT PESCARA

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered October 21, 2011. The judgment convicted defendant, upon a jury verdict, of attempted aggravated assault on a police officer, assault in the second degree and reckless endangerment

JANET C. SOMES for SCOTT PESCARA 10 minutes

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

1392.0
CAF 15-01879

In the Matter of
DAMONE H.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered May 8, 2014 in a proceeding pursuant to Family Court Act article 10. The order determined that respondent had neglected the subject child.

DAVID J. PAJAK for DAMONE H. Submitted

ELISABETH M. COLUCCI for ERIE CO. DEPT. OF SOCIAL SERVICES Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

1393.0
CAF 15-01880

**In the Matter of
DAMONE H.**

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered July 24, 2015 in a proceeding pursuant to Family Court Act article 10. The order provided for 12 months' supervision of respondent by petitioner.

DAVID J. PAJAK for DAMONE H. Submitted

ELISABETH M. COLUCCI for ERIE CO. DEPT. OF SOCIAL SERVICES Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

1394.0
CA 17-00551

**PAIGE MECCA
V
BUFFALO NIAGARA CONVENTION CENTER**

Appeal from an order of the Supreme Court, Erie County (Timothy J. Drury, J.), entered December 2, 2016. The order, among other things, granted plaintiffs a new trial on damages unless defendant stipulated to an increase in plaintiff Paige Mecca's damages.

JENNA W. KLUCSIK for BUFFALO NIAGARA CONVENTION CENTER 15 minutes

ALAN D. VOOS for PAIGE MECCA 15 minutes

1395.0
CA 16-02092

**THOMAS FRECK
V
TOWN OF PORTER**

Appeal and cross appeal from a judgment (denominated order and judgment) of the Supreme Court, Erie County (John F. O'Donnell, J.), entered August 26, 2016 in a CPLR article 78 proceeding and a declaratory judgment action. The judgment adjudged that petitioner had standing to bring the proceeding and dismissed the petition with prejudice.

ALAN J. KNAUF for THOMAS FRECK 20 minutes

CHARLES W. MALCOMB for THOMAS FLECKENSTEIN 15 minutes

MICHAEL J. DOWD for TOWN OF PORTER 15 minutes

KYLE R. ANDREWS for NIAGARA FRONTIER CLAY, INC. Submitted

1397.0
CA 17-01033

**BARBARA ANN PETERSON
V
ASHLEY R. WARD**

Appeal from an order of the Supreme Court, Orleans County (James P. Punch, A.J.), entered February 27, 2017. The order denied the motion of plaintiffs for summary judgment.

GREGORY V. PAJAK for BARBARA ANN PETERSON 10 minutes

	ALAN J. DEPETERS for ASHLEY R. WARD	10 minutes
1399.0 CA 17-00588	In the Matter of MARK BUTTIGLIERI	
	Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered April 26, 2016 in a proceeding pursuant to Mental Hygiene Law article 81. The order and judgment, among other things, directed M. Kathleen Lynn, Esq. and Raymond J. Dague, Esq. to submit a request for reasonable counsel fees.	
	KATHLEEN M. TREASURE for MARK BUTTIGLIERI	10 minutes
	M. KATHLEEN LYNN for HERSELF	Submitted
	RAYMOND J. DAGUE for HIMSELF	Submitted
1400.0 CA 17-00589	In the Matter of MARK BUTTIGLIERI	
	Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered May 26, 2016 in a proceeding pursuant to Mental Hygiene Law article 81. The order directed petitioner to pay M. Kathleen Lynn, Esq. the amount of \$5,312.50 for fees and services rendered as Court Evaluator.	
	KATHLEEN M. TREASURE for MARK BUTTIGLIERI	Submitted
	M. KATHLEEN LYNN for HERSELF	Submitted
1401.0 CA 17-00590	In the Matter of MARK BUTTIGLIERI	
	Appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered May 26, 2016 in a proceeding pursuant to Mental Hygiene Law article 81. The order directed petitioner to pay Raymond J. Dague, Esq. the amount of \$4,477.50 for fees and services rendered as Court Evaluator.	
	KATHLEEN M. TREASURE for MARK BUTTIGLIERI	Submitted
	RAYMOND J. DAGUE for HIMSELF	Submitted
1402.0 CA 17-01102	PETER MITCHELL V CITY OF GENEVA	
	Appeal from an order and judgment (one paper) of the Supreme Court, Ontario County (Frederick G. Reed, A.J.), entered February 7, 2017. The order and judgment granted the motion of defendants for summary judgment and dismissed plaintiffs' complaint with prejudice.	
	PETER JOHN CRAIG for PETER MITCHELL	15 minutes
	H. TODD BULLARD for CITY OF GENEVA	15 minutes
1403.0 CA 17-01177	HYPERCEL CORPORATION V STAMPEDE PRESENTATION PRODUCTS, INC.	
	Appeal from an order of the Supreme Court, Erie County (Donna M. Siwek, J.), entered February 10, 2017. The order, insofar as appealed from, granted the motion of defendant to preclude plaintiff from introducing or relying on any evidence or testimony related to Jumana Sweis and granted in part the motion of defendant to compel disclosure.	

STUART L. SANDERS for HYPERCEL CORPORATION

15 minutes

MATTHEW K. PELKEY for STAMPEDE PRESENTATION PRODUCTS, INC.

15 minutes

1404.0
CA 17-01220

MARCELLA JAMES

V

DARNELL A. THOMAS

Appeal and cross appeal from an order of the Supreme Court, Erie County (John F. O'Donnell, J.), entered March 6, 2017. The order denied the motion of defendants for summary judgment and denied the cross motion of plaintiffs for summary judgment.

BRENDAN S. BYRNE for DARNELL A. THOMAS

10 minutes

JOHN A. COLLINS for MARCELLA JAMES

10 minutes

1405.0
TP 17-01011

PAUL PORTER

V

HOWARD A. ZUCKER, M.D., J.D.

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 April 11, 2017) to review a determination of respondent. The determination denied petitioner's physician's prior approval request for a K005 Quickie Q7 ultra-lightweight back-up manual wheelchair.

RYAN J. MCDONALD for PAUL PORTER

Submitted

KATHLEEN M. TREASURE for HOWARD A. ZUCKER, M.D., J.D.

Submitted