

DAY CALENDAR
Tuesday, September 5, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

964.1
CAE 17-01479

WENDY A. VAN DER WATER
V
DUSTIN M. CZARNEY

Appeal from a decision and order of the Supreme Court, Onondaga County (Deborah H. Karalunas, J), entered August 17, 2017, in a proceeding pursuant to Election Law article 16. The decision and order invalidated the designating petition for respondent Kevin L. Bush, Jr., for the Office of Onondaga County Legislator District 13 in the Republican primary election on September 12, 2017, and precluded the Board of Elections from placing Bush's name on the ballot.

SCOTT F. CHATFIELD for KENNETH L. BUSH, JR. 10 minutes

BENJAMIN YAUS for DUSTIN M. CZARNEY 5 minutes

TIMOTHY J. LAMBRECHT for WENDY A. VAN DER WATER 10 minutes

964.2
CAE 17-01525

ALFONSO DAVIS
V
DUSTIN M. CZARNY

Appeal from a decision and judgment of the Supreme Court, Onondaga County (Norman W. Seiter, Jr., J.), entered August 18, 2017, in a proceeding pursuant to Election Law article 16. The decision and judgment dismissed the petition.

I. AURORA FLORES for ALFONSO DAVIS 15 minutes

BENJAMIN YAUS for DUSTIN M. CZARNY 5 minutes

JOSEPH S. COTE, III, for HEIDI TESKA Submitted

940.0
KAH 16-01170

PEOPLE EX REL.
GERALD SMITH
V
MICHELLE ARTUS

Appeal from a judgment of the Supreme Court, Livingston County (Dennis S. Cohen, A.J.), entered February 26, 2015 in a habeas corpus proceeding. The judgment denied and dismissed the petition.

CHARLES J. GREENBERG for GERALD SMITH 5 minutes

HEATHER MCKAY for MICHELLE ARTUS 5 minutes

941.0
TP 17-00420

PAUL J. CHISOLM
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 February 28, 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 PAUL J. CHISOLM Submitted

	FRANK BRADY for ANTHONY ANNUCCI	Submitted
942.0 KA 15-00321	PEOPLE V JOSEPH A. SARACENI, JR.	
	Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered February 5, 2015. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree.	
	BENJAMIN L. NELSON for JOSEPH A. SARACENI, JR.	15 minutes
	SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
943.0 KA 15-00695	PEOPLE V JOSEPH A. SARACENI, JR.	
	Appeal from an order of the Genesee County Court (Robert C. Noonan, J.), entered March 11, 2015. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.	
	BENJAMIN L. NELSON for JOSEPH A. SARACENI, JR.	Submitted
	SHIRLEY A. GORMAN for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
944.0 KA 14-00643	PEOPLE V JEFFREY J. TERBORG	
	Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered February 28, 2013. The judgment convicted defendant, upon a jury verdict, of criminal possession of stolen property in the fifth degree.	
	JOHN A. CIRANDO for JEFFREY J. TERBORG	10 minutes
	ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
946.0 KA 15-00263	PEOPLE V DERRICK PERSON	
	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.	
	DAVID M. ABBATOY, JR., for DERRICK PERSON	10 minutes
	MATTHEW B. POWERS for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
947.0 KA 11-00481	PEOPLE V QUINNTARIUS WHITE	
	Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered September 15, 2010. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.	
	MARK C. DAVISON for QUINNTARIUS WHITE	10 minutes
	DANIEL A. GROSS for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes

948.0
KA 14-00663

PEOPLE
V
TRAVIS L. PETERKIN

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered February 3, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the second degree, attempted burglary in the second degree and resisting arrest.

CHARLES J. GREENBERG for TRAVIS L. PETERKIN 10 minutes

KRISTYNA S. MILLS for THE PEOPLE OF THE STATE OF NEW YORK Submitted

949.0
CA 16-02192

ANN VANYO
V
BUFFALO POLICE BENEVOLENT ASSOCIATION

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered February 5, 2016. The order and judgment denied the motion of plaintiff for an extension of time to serve the complaint and dismissed the complaint.

JAMES OSTROWSKI for ANN VANYO 10 minutes

DAVID M. LEE for CITY OF BUFFALO 15 minutes

IAN HAYES for BUFFALO POLICE BENEVOLENT ASSOCIATION 10 minutes

950.0
CA 17-00249

ANN VANYO
V
BUFFALO POLICE BENEVOLENT ASSOCIATION

Appeal from an order and judgment (one paper) of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered February 5, 2016. The order and judgment granted the motions of defendants to dismiss the complaint and dismissed the complaint.

JAMES OSTROWSKI for ANN VANYO 10 minutes

DAVID M. LEE for CITY OF BUFFALO 15 minutes

CATHERINE CREIGHTON for BUFFALO POLICE BENEVOLENT ASSOC. 10 minutes

952.0
CA 17-00231

TAMMY PREP **SETTLED**
V
SODEXO MANAGEMENT, INC.

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered November 10, 2016. The order granted the motion of plaintiff for bifurcation.

ANN M. CAMPBELL for SODEXO MANAGEMENT, INC.

SCOTT R. ORNDOFF for TAMMY PREP

953.0
CA 17-00548

LASZLO BIRO
V
HARRY KEEN

Appeal from an order of the Supreme Court, Steuben County (Joseph W. Latham, A.J.), entered August 25, 2016. The order denied the motion of defendants for summary judgment.

DAVID MICHAEL FULVIO for HARRY KEEN 15 minutes

	MICHAEL A. DONLON for LASZLO BIRO	10 minutes
954.0 CA 16-01352	JASON KIRCHNER V COUNTY OF NIAGARA	
	Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered October 29, 2015. The order, among other things, granted the motions of defendants for summary judgment dismissing plaintiff's amended complaint.	
	STEVEN M. COHEN for JASON KIRCHNER	15 minutes
	MATTHEW J. KIBLER for JAMES J. WOYTASH, M.D.	15 minutes
	MICHAEL J. WILLETT for COUNTY OF NIAGARA	15 minutes
	SHAWN P. HENNESSY for COUNTY OF ERIE	Submitted
955.0 CA 16-01353	JASON KIRCHNER V COUNTY OF NIAGARA	
	Appeal from an order of the Supreme Court, Niagara County (Mark A. Montour, J.), entered April 25, 2016. The order, among other things, denied plaintiff's motion for leave to reargue and/or renew the motions of defendants for summary judgment.	
	LINDA LALLI STARK for JASON KIRCHNER	Submitted
	MATTHEW J. KIBLER for JAMES J. WOYTASH, M.D.	Submitted
	MICHAEL J. WILLETT for COUNTY OF NIAGARA	Submitted
	SHAWN P. HENNESSY for COUNTY OF ERIE	Submitted
956.0 CA 16-02275	CAYSEA CONTRACTING CORP. V MASSA CONSTRUCTION, INC.	
	Appeal from an order of the Supreme Court, Ontario County (Matthew A. Rosenbaum, J.), entered October 3, 2016. The order denied the motion of defendants Massa Construction, Inc., and International Fidelity Insurance seeking to dismiss plaintiff's complaint as against them.	
	JASON B. BAILEY for MASSA CONSTRUCTION, INC.	15 minutes
	MARK C. DAVIS for CAYSEA CONTRACTING CORP.	10 minutes
957.0 CA 17-00216	SARAH J. GREGORY V STEVEN R. CAVARELLO	
	Appeals from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered October 17, 2016. The order denied the motions of defendants National Fuel Gas Distribution Corp., Municipal Pipe Co., LLC, and City of Buffalo for summary judgment and granted the cross motion of plaintiffs for partial summary judgment on the issues of serious injury and that the accident occurred in a work or construction zone.	
	DAVID M. LEE for CITY OF BUFFALO	10 minutes
	MEGHAN M. BROWN for NATIONAL FUEL GAS DISTRIBUTION CORP.	15 minutes
	JOHN A. CIRANDO for SARAH J. GREGORY	15 minutes

958.0
CA 17-00253

THERESA HECKER
V
EDEN CENTRAL SCHOOL DISTRICT

SETTLED

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered November 3, 2016. The order, insofar as appealed from, denied in part the motion of defendant for summary judgment.

JENNA W. KLUCSIK for EDEN CENTRAL SCHOOL DISTRICT

CHARLES S. DESMOND, II, for THERESA HECKER

959.0
CA 17-00447

In the Matter of Arbitration Between
LEWIS COUNTY
(CSEA LOCAL 1000 AFSCME)

Appeal from an order of the Supreme Court, Lewis County (James P. McClusky, J.), entered July 5, 2016. The order granted the petition for a permanent stay of arbitration.

JEREMY GINSBURG for CSEA LOCAL 1000 AFSCME

10 minutes

FRANK W. MILLER for LEWIS COUNTY

10 minutes

960.0
CA 17-00258

JOSEPH SALLUSTIO
V
R. KESSLER AND ASSOCIATES, INC.

Appeal from an order of the Supreme Court, Oneida County (David A. Murad, J.), entered May 26, 2016. The order, insofar as appealed from, denied the motion of plaintiffs to dismiss defendants' fourth counterclaim.

JOHN F. HARWICK for JOSEPH SALLUSTIO

10 minutes

MERRITT S. LOCKE for R. KESSLER AND ASSOCIATES, INC.

10 minutes

961.0
CA 16-01911

In the Matter of
SHIRLEY MAE TEACHOUT

Appeal from an order of the Surrogate's Court, Onondaga County (Ava S. Raphael, S.), entered January 11, 2016. The order, among other things, denied the petition in part.

FREDERICK RALPH GUY for ALMA P. HUSSAIN

Submitted

RAYMOND J. DAGUE for GARY H. TEACHOUT

Submitted

962.0
CA 16-02351

DIAMOND ROOFING CO., INC.
V
PCL PROPERTIES, LLC

Appeal from a judgment of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered September 8, 2016. The judgment awarded plaintiff money damages.

NICOLE MARLOW-JONES for PCL PROPERTIES, LLC

10 minutes

MICHAEL JON LONGSTREET for DIAMOND ROOFING CO., INC.

Submitted

963.0
CA 17-00391

DIAMOND ROOFING CO., INC.
V
PCL PROPERTIES, LLC

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered November 15, 2016. The order denied the motion of defendant to reargue.

NICOLE MARLOW-JONES for PCL PROPERTIES, LLC

Submitted

MICHAEL JON LONGSTREET for DIAMOND ROOFING CO., INC.

Submitted

964.0
CA 17-00392

DIAMOND ROOFING CO., INC.

V

PCL PROPERTIES, LLC

Appeal from an order of the Supreme Court, Onondaga County (Anthony J. Paris, J.), entered January 20, 2017. The order denied the motion of defendant to renew.

NICOLE MARLOW-JONES for PCL PROPERTIES, LLC

Submitted

MICHAEL JON LONGSTREET for DIAMOND ROOFING CO., INC.

Submitted