

**DAY CALENDAR**  
**Thursday, September 7, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

999.0  
CA 16-02122

**BOARD OF MANAGERS, UNIQUEST**  
**V**  
**ASSESSOR, CITY OF BUFFALO**

Appeal from a decision and order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered January 29, 2016. The decision and order denied the motion of petitioner for summary judgment.

PETER A. WEINMANN for BD. OF MANAGERS, UNIQUEST 15 minutes

MAURA C. SEIBOLD for ASSESSOR, CITY OF BUFFALO 10 minutes

986.0  
KA 16-00640

**PEOPLE**  
**V**  
**ZACHARY J. BARRETT**

Appeal from a judgment of the Allegany County Court (Thomas P. Brown, J.), rendered March 2, 2016. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree

JOHN A. CIRANDO for ZACHARY J. BARRETT 10 minutes

J. THOMAS FUOCO for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

987.0  
KA 15-00022

**PEOPLE**  
**V**  
**AKEEM M. SIMMONS**

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered September 15, 2014. The judgment convicted defendant, upon a jury verdict, of burglary in the first degree, criminal use of a firearm in the first degree and conspiracy in the fourth degree.

NICHOLAS P. DIFONZO for AKEEM M. SIMMONS 10 minutes

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

988.0  
TP 17-00519

**QUAYSHAUN HUBBARD**  
**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 March 16, 2017) to review a determination of respondent. The determination found after Tier III hearing that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for QUAYSHAUN HUBBARD Submitted

VICTOR PALADINO for ANTHONY ANNUCCI Submitted

989.0  
KA 15-01394

**PEOPLE**  
**V**  
**DONALD J. AIKEY**

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered June 19, 2015. The judgment convicted defendant, upon a nonjury verdict, of criminal contempt in the first degree, criminal trespass in the third degree, endangering the welfare of a child (two counts), harassment in the second degree and criminal contempt in the second degree.

MARK C. DAVISON for DONALD J. AIKEY

10 minutes

MELANIE J. BAILEY for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

990.0  
KA 12-00895

PEOPLE  
V  
MARSHALL D. JACKSON

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered March 15, 2012. The judgment convicted defendant, upon a jury verdict, of murder in the second degree, criminal possession of a weapon in the second degree and criminal possession of stolen property in the fourth degree.

PATRICK J. MARTHAGE for MARSHALL D. JACKSON

10 minutes

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

10 minutes

991.0  
KA 13-00816

PEOPLE  
V  
BRANDON JOHNSON

Appeal from a judgment of the Supreme Court, Monroe County (Robert B. Wiggins, A.J.), rendered December 18, 2012. The judgment convicted defendant, upon a jury verdict, of rape in the first degree and rape in the third degree.

EFTIHIA BOURTIS for BRANDON JOHNSON

10 minutes

ROBERT J. SHOEMAKER for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

992.0  
KA 12-00373

PEOPLE  
V  
TYREIK A. BOYD

Appeal from a judgment of the Monroe County Court (Melchar E. Castro, A.J.), rendered November 18, 2011. The judgment convicted defendant, upon a jury verdict, of attempted criminal possession of a weapon in the second degree and attempted criminal possession of a weapon in the third degree.

BRIDGET L. FIELD for TYREIK A. BOYD

10 minutes

SCOTT MYLES for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

993.0  
CA 17-00280

AMALFI, INC.  
V  
428 CO., INC.

Appeal from an order and judgment of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered December 9, 2016. The order and judgment granted the motions of defendants for summary judgment, denied the cross motion of plaintiff for summary judgment and dismissed the complaint.

KENNETH A. MANNING for AMALFI, INC.

15 minutes

	CHARLES C. RITTER, JR., for FIRST AMHERST DEVELOPMENT GROUP	10 minutes
	JAMES PATRICK MILBRAND for 428 CO., INC.	10 minutes
995.0 CA 17-00335	<b>BD. OF MANAGERS OF WEST AMHERST PARK</b> V <b>RMFSG, LLC</b>	
	Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered November 10, 2016. The order, among other things, denied plaintiff's motion for summary judgment.	
	ANTHONY IACCHETTA for BD. OF MANAGERS OF WEST AMHERST PARK	Submitted
	RODNEY A. GIOVE for RMFSG, LLC	Submitted
996.0 CA 17-00336	<b>BD. OF MANAGERS OF WEST AMHERST PARK</b> V <b>RMFSG, LLC</b>	
	Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered November 10, 2016. The order, among other things, denied plaintiff's motion for summary judgment.	
	ANTHONY IACCHETTA for BD. OF MANAGERS OF WEST AMHERST PARK	Submitted
	RODNEY A. GIOVE for RMFSG, LLC	Submitted
997.0 CA 16-02205	<b>DANIELLE KELLER</b> V <b>ROBERT KELLER</b>	
	Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered July 27, 2016. The order granted the motion of defendants for summary judgment dismissing the complaint.	
	MICHAEL B. DIXON for DANIELLE KELLER	15 minutes
	DEREK J. ROLLER for ROBERT KELLER	10 minutes
998.0 CA 16-02142	<b>J.N.K. MACHINE CORPORATION</b> V <b>TBW, LTD.</b>	
	Appeal from a judgment of the Supreme Court, Chautauqua County (Frank A. Sedita, Jr., J.), entered August 23, 2016. The judgment, among other things, awarded plaintiff the sum of \$939,702.98 as against defendants.	
	PAUL V. WEBB, JR., for TBW, LTD.	15 minutes
	BRIAN D. GWITT for J.N.K. MACHINE CORPORATION	15 minutes
1000.0 CA 17-00382	<b>JO-LOUISE BAKER</b> V <b>JOHN A. LISCONISH</b>	
	Appeal from an order of the Supreme Court, Oswego County (James W. McCarthy, J.), entered December 28, 2016. The order, insofar as appealed from, granted the motion of defendant Santo Heating and Air Conditioning, Inc., for summary judgment, dismissed the complaint against said defendant and denied the cross motion of plaintiff for summary judgment on the issue of permissive use.	
	MATTHEW J. KAISER for JO-LOUISE BAKER	15 minutes

	ADAM C. HOVER for JOHN A. LISCONISH	5 minutes
	CHRISTOPHER J. MARTIN for SANTO HEATING AND AIR CONDITIONING	15 minutes
1001.0 CA 17-00305	<b>UTICA MUTUAL INSURANCE COMPANY</b> V <b>ALFA MUTUAL INSURANCE COMPANY</b>	
	Appeal from an order of the Supreme Court, Oneida County (Samuel D. Hester, J.), entered August 22, 2016. The order, among other things, granted moving defendants-respondents' motion for partial summary judgment.	
	SYED S. AHMAD for UTICA MUTUAL INSURANCE COMPANY	15 minutes
	SEAN THOMAS KEELY for ALFA MUTUAL INSURANCE COMPANY	15 minutes
1002.0 CA 16-02128	<b>RES EXHIBIT SERVICES, LLC</b> V <b>GENESIS VISION, INC.</b>	
	Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered September 22, 2016. The order, among other things, granted plaintiff's motion for summary judgment and denied defendant's cross motion for summary judgment.	
	DAVID HENRY TENNANT for GENESIS VISION, INC.	10 minutes
	CHAD W. FLANSBURG for RES EXHIBIT SERVICES, LLC	15 minutes
1003.0 CA 16-02207	<b>RES EXHIBIT SERVICES, LLC</b> V <b>GENESIS VISION, INC.</b>	
	Appeal from a judgment of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered October 14, 2016. The judgment awarded plaintiff the sum of \$426,683.36 as against defendant.	
	DAVID HENRY TENNANT for GENESIS VISION, INC.	Submitted
	CHAD W. FLANSBURG for RES EXHIBIT SERVICES, LLC	Submitted
1004.0 CA 16-02208	<b>RES EXHIBIT SERVICES, LLC</b> V <b>GENESIS VISION, INC.</b>	
	Appeal from an amended judgment of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered November 4, 2016. The amended judgment awarded plaintiff the sum of \$452,376.22 as against defendant.	
	DAVID HENRY TENNANT for GENESIS VISION, INC.	Submitted
	CHAD W. FLANSBURG for RES EXHIBIT SERVICES, LLC	Submitted
1005.0 CA 17-00385	<b>FRANK E. FOWLER, JR.</b> V <b>FRANK SYLVESTER</b>	<b>SETTLED</b>
	Appeals and cross appeal from an order of the Supreme Court, Onondaga County (James P. Murphy, J.), entered September 6, 2016. The order, among other things, granted defendants' motions for leave to reargue and/or renew their motions for summary judgment and upon reargument denied defendants' motions for summary judgment in part.	

MATTHEW J. LARKIN for FRANK SYLVESTER

EDWARD PETER YANKELUNAS for CHUCK PATTISON

KEVIN A. LUIBRAND for FRANK E. FOWLER, JR.

1006.0  
CA 17-00232

TRIFI FOODS, INC.

**SETTLED**

V

M.W.S. ENTERPRISES, INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, A.J.), entered May 9, 2016. The order denied the motion of defendant to dismiss the second cause of action of the amended complaint.

D. CHARLES ROBERTS for M.W.S. ENTERPRISES, INC.

JOSEPH S. MONTAGNOLA for TRIFI FOODS, INC.

1007.0  
CA 17-00369

AJMRT, LLC

V

LINDA L. KERN

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered May 16, 2016. The order, insofar as appealed from, granted plaintiff a preliminary injunction and denied the cross motion of defendants to dismiss the complaint.

PAUL L. LECLAIR for LINDA L. KERN

10 minutes

ALINA NADIR for AJMRT, LLC

10 minutes