

**DAY CALENDAR**  
**Friday, September 8, 2017 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

1008.0  
KA 15-00205

**PEOPLE**  
**V**  
**TYLER V. LEWIS**

Appeal from a judgment of the Jefferson County Court (Dennis Kehoe, A.J.), rendered January 28, 2011. The judgment convicted defendant, upon a jury verdict, of murder in the second degree; attempted robbery in the first degree (three counts); attempted robbery in the second degree; conspiracy in the fourth degree; and perjury in the first degree.

JOHN A. CIRANDO for TYLER V. LEWIS 15 minutes

NICOLE L. KYLE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1009.0  
KA 14-01897

**PEOPLE**  
**V**  
**MICHAEL WILLIAMS**

Appeal from a judgment of the Supreme Court, Monroe County (Joanne M. Winslow, J.), rendered March 4, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), assault in the second degree, and criminal possession of a weapon in the second degree (two counts).

JANE I. YOON for MICHAEL WILLIAMS 10 minutes

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

1010.0  
TP 17-00424

**NJERA WILSON**  
**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 two determinations of respondent. The determinations found after Tier III hearings that petitioner had violated various inmate rules.

LEAH R. NOWOTARSKI for NJERA WILSON Submitted

ZAINAB A. CHAUDHRY for ANTHONY ANNUCCI Submitted

1011.0  
KA 15-00992

**PEOPLE**  
**V**  
**SCOTT W. DAVIS**

Appeal from a judgment of the Herkimer County Court (John H. Crandall, J.), rendered December 3, 2014. The judgment convicted defendant, upon his plea of guilty, of burglary in the first degree.

PETER J. DIGIORGIO, JR., for SCOTT W. DAVIS Submitted

JACQUELYN M. ASNOE for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1012.0  
KA 14-00582

**PEOPLE**  
**V**  
**ANTONIO ORTIZ, JR.**

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered January 22, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree.

JAMES A. HOBBS for ANTONIO ORTIZ, JR.

Submitted

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

5 minutes

1013.0  
KA 14-01029

PEOPLE  
V  
TALARICO YOUNG

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered April 29, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree and perjury in the first degree.

MARY P. DAVISON for TALARICO YOUNG

10 minutes

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

10 minutes

1014.0  
KA 17-00218

PEOPLE  
V  
THOMAS A. RAFFERTY

Appeal from a decision and order of the Ontario County Court (Frederick G. Reed, J.), dated June 23, 2016. The decision and order dismissed counts first through third of the indictment.

JEFFREY R. FRIESEN for THE PEOPLE OF THE STATE OF NEW YORK

10 minutes

GUY A. TALIA for THOMAS A. RAFFERTY

10 minutes

1015.0  
KA 15-02036

PEOPLE  
V  
SAMUEL AYALA

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered November 20, 2014. The judgment convicted defendant, upon a jury verdict, of criminal possession of a controlled substance in the third degree and criminally using drug paraphernalia in the second degree (three counts).

TIMOTHY S. DAVIS for SAMUEL AYALA

10 minutes

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

10 minutes

1016.0  
CAF 16-01227

MATTHEW E. MAGILL  
V  
LINDSAY A. ESPOSITO

Appeals from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered June 16, 2016 in proceedings pursuant to Family Court Act article 6. The order, among other things, adjudged that the subject child shall primarily reside with petitioner.

BRIDGET L. FIELD for LINDSAY A. ESPOSITO

10 minutes

MATTHEW E. WARD for MATTHEW E. MAGILL

10 minutes

PAUL B. WATKINS, ATTORNEY FOR CHILD

10 minutes

1017.0  
CAF 16-00361

HALBERT L. BROOKS, JR.  
V  
PAULA GREENE

Appeal from an order of the Family Court, Erie County (Mary G. Carney, J.), entered February 11, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded Paula Green sole custody of the subject child.

TIMOTHY R. LOVALLO for HALBERT L. BROOKS, JR. 5 minutes

PHILLIP DABNEY, JR., for PAULA GREENE Submitted

MICHELE A. BROWN, ATTORNEY FOR CHILD 5 minutes

1018.0  
CAF 16-00105

In the Matter of  
KAMERON V.

Appeal from a decision and order of the Family Court, Erie County (Margaret O. Szczur, J.), entered December 15, 2015, in a proceeding pursuant to Family Court Act article 10. The decision and order found that Jamel L. had neglected the subject child.

CHARLES J. GREENBERG for JAMEL L. Submitted

KATE NOWADLY for ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES Submitted

CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

1019.0  
CAF 16-00880

STEVEN MORALES  
V  
SARAH MORALES

Appeal from a decision and order of the Family Court, Erie County (Brenda M. Freedman, J.), entered April 28, 2016, in a proceeding pursuant to Family Court Act article 6. The decision and order granted sole child custody to petitioner and supervised visitation to respondent.

PETER P. VASILION for SARAH MORALES 5 minutes

JENNIFER M. LORENZ for STEVEN MORALES 10 minutes

JOSEPH CHARLES BANIA, ATTORNEY FOR CHILD 5 minutes

1020.0  
CAF 15-01464

MICHAEL G. WHITNEY  
V  
DENISE T. WHITNEY

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, J.), entered August 6, 2015, in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for a modification of custody and directed that petitioner must have permission of the Court to file any future petitions.

TIMOTHY R. LOVALLO for MICHAEL G. WHITNEY 5 minutes

DENISE T. WHITNEY for HERSELF Submitted

DAVID S. SARKOVICS, ATTORNEY FOR CHILD 5 minutes

1021.0  
CAF 15-01465

MICHAEL G. WHITNEY  
V  
DENISE T. WHITNEY

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, J.), entered August 6, 2015, in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for a modification of custody and directed that petitioner must have permission of the Court to file any future petitions.

TIMOTHY R. LOVALLO for MICHAEL G. WHITNEY

Submitted

DENISE T. WHITNEY for HERSELF

Submitted

DAVID S. SARKOVICS, ATTORNEY FOR CHILD

Submitted

1022.0  
CAF 15-01466

**MICHAEL G. WHITNEY**  
V  
**DENISE T. WHITNEY**

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, J.), entered August 6, 2015, in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for a modification of custody and directed that petitioner must have permission of the Court to file any future petitions.

TIMOTHY R. LOVALLO for MICHAEL G. WHITNEY

Submitted

DENISE T. WHITNEY for HERSELF

Submitted

DAVID S. SARKOVICS, ATTORNEY FOR CHILD

Submitted

1023.0  
CAF 15-01467

**MICHAEL G. WHITNEY**  
V  
**DENISE T. WHITNEY**

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, J.), entered August 6, 2015, in a proceeding pursuant to Family Court Act article 6. The order granted the motion of the Attorney for the Child to dismiss the petition for modification of custody.

TIMOTHY R. LOVALLO for MICHAEL G. WHITNEY

Submitted

DENISE T. WHITNEY for HERSELF

Submitted

DAVID S. SARKOVICS, ATTORNEY FOR CHILD

Submitted

1024.0  
CAF 15-01468

**MICHAEL G. WHITNEY**  
V  
**DENISE T. WHITNEY**

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, J.), entered August 6, 2015, in a proceeding pursuant to Family Court Act article 6. The order granted the motion of respondent to dismiss the petitions for modification of custody and to direct that petitioner not be allowed to file any further petitions.

TIMOTHY R. LOVALLO for MICHAEL G. WHITNEY

Submitted

DENISE T. WHITNEY for HERSELF

Submitted

DAVID S. SARKOVICS, ATTORNEY FOR CHILD

Submitted

1025.0  
CAF 15-01469

**MICHAEL G. WHITNEY**  
V  
**DENISE T. WHITNEY**

Appeal from an order of the Family Court, Erie County (Michael F. Griffith, J.), entered August 6, 2015, in a proceeding pursuant to Family Court Act article 6. The order granted the motion of the Attorney for the Child to dismiss the amended petition for modification of custody.

TIMOTHY R. LOVALLO for MICHAEL G. WHITNEY Submitted

DENISE T. WHITNEY for HERSELF Submitted

DAVID S. SARKOVICS, ATTORNEY FOR CHILD Submitted

1026.0  
CA 17-00114

HENRY J. WATERMAN, JR.  
V  
CITY OF ROCHESTER

Appeal from a decision and order of the Supreme Court, Monroe County (Elma A. Bellini, J.), entered July 27, 2016. The decision and order denied the motion of defendants for summary judgment dismissing the complaint and granted the cross motion of plaintiff for summary judgment on the issue of proximate cause.

SPENCER L. ASH for CITY OF ROCHESTER 10 minutes

K. JOHN WRIGHT for HENRY J. WATERMAN, JR. 10 minutes

1027.0  
CA 16-02232

CHRISTINA M. BOEHM  
V  
GUISSEPPE G. ROSARIO

Appeal from an order of the Supreme Court, Ontario County (Deborah A. Chimes, J.), entered September 15, 2016. The order denied plaintiff's motion to set aside the jury verdict.

GREGG S. MAXWELL for CHRISTINA M. BOEHM 15 minutes

MEGAN F. ORGANEK for GUISSEPPE G. ROSARIO 15 minutes

1028.0  
CA 16-01736

ANTONIO JACKSON  
V  
CITY OF BUFFALO

Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered April 27, 2016. The order, insofar as appealed from, denied the motion of defendants for summary judgment dismissing the complaint.

CHRISTOPHER P. POOLE for CITY OF BUFFALO 10 minutes

EDWARD C. COSGROVE for ANTONIO JACKSON 15 minutes

1029.0  
CA 17-00317

JANE DOE  
V  
NICHOLAS D'ANGELO

Appeal from an order of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), entered May 2, 2016. The order denied the motion of defendant Nicholas D'Angelo to dismiss the complaint, granted the cross motion of plaintiff to extend the time to serve the summons and complaint nunc pro tunc and granted the motion of plaintiff to compel Nicolas D'Angelo to provide certain authorizations for access to records.

RICHARD T. SARAF for NICHOLAS D'ANGELO 10 minutes

MICHAEL O. MORSE for JANE DOE 10 minutes

1030.0  
CA 17-00373

**LISA M. MILLIGAN**  
**V**  
**KEVIN BIFULCO**

Appeal from an order of the Supreme Court, Erie County (Tracy A. Bannister, J.), entered May 24, 2016. The order, inter alia, denied the cross motion of defendants to dismiss the complaint.

**DONNA L. BURDEN** for **KEVIN BIFULCO** 15 minutes

**JOSHUA ISRAEL RAMOS** for **LISA M. MILLIGAN** 10 minutes

1031.0  
CA 17-00351

**In the Matter of Arbitration Between**  
**TOWN OF GREECE**  
**(THE CIVIL SERVICE EMPLOYEE ASSOCIATION, INC.)**

Appeal from an order of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered September 8, 2016, in a proceeding pursuant to CPLR article 75. The order, among other things, denied petitioner's application for a permanent stay of arbitration.

**EDWARD A. TREVVETT** for **TOWN OF GREECE** 15 minutes

**IAN HAYES** for **THE CIVIL SERVICE EMPLOYEE ASSOCIATION, INC.** 15 minutes

1032.0  
CA 17-00266

**ALPHONSO ANDERSON**  
**V**  
**GLORIA ANDERSON**

Appeal from an order of the Supreme Court, Monroe County (Elma A. Bellini, J.), entered June 20, 2016. The order denied the motion of plaintiff for his marital share of the degree defendant earned during the course of the marriage and granted the cross motion of defendant for Qualified Domestic Relations Orders and an award of arrears.

**SANFORD R. SHAPIRO** for **ALPHONSO ANDERSON** 10 minutes

**MARGARET MCMULLEN RESTON** for **GLORIA ANDERSON** 10 minutes

1032.1  
CA 17-00407

**MARY ANN CELANI**  
**V**  
**ALLSTATE INDEMNITY COMPANY**

Appeal from an order of the Supreme Court, Erie County (Tracey A. Bannister, J.), entered December 7, 2016. The order granted the motion of plaintiff to compel disclosure, directed Allstate Insurance Company to produce to plaintiff an unredacted copy of its claim notes, the legal opinion of Dan Bartoldus and the manual that it maintains for investigating homeowner claims, and denied the cross motion of Allstate Insurance Company for a protective order.

**JESSICA L. FOSCOLO** for **ALLSTATE INDEMNITY COMPANY** 10 minutes

**JOHN A. COLLINS** for **MARY ANN CELANI** 10 minutes