

DAY CALENDAR
Thursday, May 28, 2015 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

790.0
KA 14-02030

PEOPLE
V
NATHANIEL WILLIS

Appeal from an order of the Ontario County Court (William F. Kocher, J.), entered August 13, 2014. The order affirmed an order of the Canandaigua City Court, which denied petitioner's petition for downward modification of his 2006 Sexual Offender Registration adjudication.

MARY P. DAVISON for NATHANIEL WILLIS Submitted

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

791.0
KA 13-01195

PEOPLE
V
DEVAN A. SIMMONS

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered March 6, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the third degree.

DAVID R. JUERGENS for DEVAN A. SIMMONS Submitted

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

792.0
KA 14-00348

PEOPLE
V
ERIC L. STRONG

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered January 28, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted grand larceny in the third degree.

NICHOLAS P. DIFONZO for ERIC L. STRONG Submitted

WILLIAM G. ZICKL for PEOPLE OF THE STATE OF NEW YORK Submitted

793.0
KA 14-00513

PEOPLE
V
ALBERT J. WEBBER

Appeal from a judgment of the Wayne County Court (John B. Nesbitt, J.), rendered November 21, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the third degree, criminal possession of stolen property in the fifth degree and petit larceny.

RICHARD W. YOUNGMAN for ALBERT J. WEBBER Submitted

RICHARD M. HEALY for PEOPLE OF THE STATE OF NEW YORK Submitted

794.0
KA 13-00500

PEOPLE
V
LESTER A. BRAXTON

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered June 7, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree and driving while intoxicated.

KIMBERLY F. DUGUAY for LESTER A. BRAXTON 5 minutes

LEAH R. MERVINE for PEOPLE OF THE STATE OF NEW YORK 5 minutes

795.0
KA 08-01985

PEOPLE
V
DESMIN K. DIGGS

Appeal from a judgment of the Monroe County, Supreme Court (Stephen R. Sirkin, A.J.), rendered August 20, 2008. The judgment convicted defendant, upon his plea of guilty, of robbery in the second degree; criminal mischief in the second degree (two counts); petit larceny; assault in the second degree (two counts); reckless endangerment in the first degree; and leaving the scene of an incident (three counts).

KIMBERLY J. CZAPRANSKI for DESMIN K. DIGGS Submitted

NANCY GILLIGAN for PEOPLE OF THE STATE OF NEW YORK Submitted

796.0
KA 11-02527

PEOPLE
V
MATTHEW FREEMAN

Appeal from a resentence of the Onondaga County Court (William D. Walsh, J.), rendered November 28, 2011. The court resentenced defendant, as a predicate felon.

PHILIP ROTHSCHILD for MATTHEW FREEMAN Submitted

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

797.0
KA 14-00471

PEOPLE
V
WILLIAM M. COLLINS

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered June 20, 2013. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony, and aggravated unlicensed operation of a motor vehicle in the first degree.

CAITLIN M. CONNELLY for WILLIAM M. COLLINS 5 minutes

DAVID A. HERATY for PEOPLE OF THE STATE OF NEW YORK 5 minutes

798.0
KA 11-01345

PEOPLE
V
BETH A. FAILING

Appeal from a judgment of the Monroe County Court (Thomas R. Morse, A.J.), rendered April 20, 2011. The judgment convicted defendant, upon a jury verdict, of criminal mischief in the third degree

KELLY S. FOSS for BETH A. FAILING 10 minutes

DANIEL A. GROSS for PEOPLE OF THE STATE OF NEW YORK 10 minutes

799.0
CAF 14-00688

DELSENIOR STRACHAN
V
LINDA GILLIAM

Appeal from a decision and order of Family Court, Monroe County (Patricia E. Gallaher, J.), entered July 19, 2013, in a proceeding pursuant to Family Court Act article 6. The decision and order dismissed the petition for a modification of visitation.

DAVID R. JUERGENS for DELSENIOR STRACHAN 5 minutes

PAUL B. WATKINS for LINDA GILLIAM 5 minutes

SARA E. ROOK , ATTORNEY FOR CHILD 5 minutes

800.0
CAF 14-00689

DELSNIOR STRACHAN
V
LINDA GILLIAM

Appeal from a decision and order of Family Court, Monroe County (Patricia E. Gallaher, J.), entered March 28, 2014, in a proceeding pursuant to Family Court Act article 6. The decision and order dismissed the petition for a modification of visitation.

DAVID R. JUERGENS for DELSENIOR STRACHAN 5 minutes

PAUL B. WATKINS for LINDA GILLIAM 5 minutes

SARA E. ROOK , ATTORNEY FOR CHILD 5 minutes

801.0
CAF 14-00341

ANGELO M. VISCUSO
V
SUSAN M. VISCUSO

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered December 3, 2013 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner, Angelo M. Viscuso, sole custody of the subject child

EMILIO COLAIACOVO for SUSAN M. VISCUSO 15 minutes

FRANCINE E. MODICA for ANGELO M. VISCUSO 15 minutes

LEIGH E. ANDERSON, ATTORNEY FOR CHILD 10 minutes

802.0
CAF 14-00342

ANGELO M. VISCUSO
V
SUSAN M. VISCUSO

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered December 18, 2013 in a proceeding pursuant to Family Court Act article 6. The order directed respondent to pay petitioner's attorney the sum of \$12,500 in attorney fees.

EMILIO COLAIACOVO for SUSAN M. VISCUSO Submitted

FRANCINE E. MODICA for ANGELO M. VISCUSO Submitted

LEIGH E. ANDERSON, ATTORNEY FOR CHILD Submitted

803.0
CAF 14-01000

SAMANTHA J. MOREDOCK
V
ANTHONY T. CONTI

Appeal from a decision and order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered August 23, 2013, in a proceeding pursuant to Family Court Act article 6. The decision and order granted sole and primary physical custody to petitioner and granted petitioner an order of protection.

DAVID M. ABBATOY, JR., for ANTHONY T. CONTI 10 minutes

TED A. BARRACO for SAMANTHA J. MOREDOCK 5 minutes

TANYA CONLEY, ATTORNEY FOR CHILD 5 minutes

804.0
CA 14-01566

DONNA M. LATTUCA
V
JOHN M. LATTUCA

Appeal from a judgment of divorce of the Supreme Court, Erie County (John M. Curran, J.), entered December 17, 2013. The judgment, insofar as appealed from, obligated defendant to pay maintenance and plaintiff to pay support.

RICHARD JAY STEINER for JOHN M. LATTUCA 20 minutes

DONNA MARIE HARTNETT for DONNA M. LATTUCA 20 minutes

805.0
CA 14-02145

JOSEPH A. MASCIA
V
LEAGUE OF WOMEN VOTERS OF BUFFALO/NIAGARA

Appeal from an order and judgment of the Supreme Court, Erie County (Shirley Troutman, J.), entered June 25, 2014. The order and judgment declared that petitioner, as a Tenant Member of the Buffalo Municipal Housing Authority Board of Commissioners is a local officer subject to Public Officers Law § 30 (1) (e); declared that a violation of Election Law § 14-126 (3) is not a crime that requires the automatic vacating of a public office; declared that petitioner did not vacate his office of Tenant Commissioner by pleading guilty to violating Election Law § 14-126 (3); and granted petitioner a permanent injunction compelling respondents to reinstate petitioner as a candidate for reelection to the position of Tenant Member.

LAURENCE K. RUBIN for LEAGUE OF WOMEN VOTERS OF BUFF./NIA. 10 minutes

JOSEPH G. MAKOWSKI for JOSEPH A. MASCIA 10 minutes

806.0
CA 14-01792

JASON P. SADOWSKI
V
FORBES HOMES, INC.

Appeal from an order and judgment of the Supreme Court, Erie County (Donna M. Siwek, J.), entered February 18, 2014. The order and judgment granted contractual indemnification to third-party plaintiffs against third-party defendant and denied the motion of third-party defendant to set aside a directed verdict and to dismiss the third-party complaint.

MAURICE L. SYKES for WETZEL DEVELOPMENT, LLC 15 minutes

MATTHEW S. LERNER for FORBES HOMES, INC. 15 minutes

807.0
CA 14-01765

SHOPPINGTOWN MALL, LLC
V
ASSESSOR, TOWN OF DEWITT

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered July 10, 2014 in a proceeding pursuant to RPTL article 7. The order, among other things, denied the motion of Shoppingtown Mall NY, LLC to intervene.

RICHARD CRONIN for SHOPPINGTOWN MALL NY, LLC 15 minutes

DAVID C. ROWLEY for SHOPPINGTOWN MALL, LLC 10 minutes

DAVID W. HERKALA for TOWN OF DEWITT 10 minutes

KATHLEEN M. BENNETT for JAMESVILLE DEWITT CENTRAL SCHOOL 15 minutes

808.0
CA 14-01199

SUSAN TERASAKA
V
DAVID TERASAKA

Appeal from an a judgment of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered September 16, 2013 in a divorce action. The judgment, among other things, distributed the marital assets.

JANET D. CALLAHAN for DAVID TERASAKA 10 minutes

EDWARD B. ALDERMAN for SUSAN TERASAKA 10 minutes

RONALD L. VANNORSTRAND, ATTORNEY FOR CHILD Submitted

811.0
CA 14-01656

MARTIN T. KLINK
V
BARBARA J. FIALA

Appeal and from an order of the Supreme Court, Monroe County (Ann Marie Taddeo, J.), entered November 26, 2013. The order annulled and vacated a determination dated April 30, 2013 and directed respondent to render a decision on the application of petitioner for a driver's license based upon regulations in effect in May 2012.

JEFFREY W. LANG for BARBARA J. FIALA Submitted

CHARLES D. STEINMAN for MARTIN T. KLINK Submitted

812.0
CA 14-02149

AFFINITY ELMWOOD GATEWAY PROPERTIES
V
AJC PROPERTIES LLC

Appeal from an order of the Supreme Court, Erie County (John A. Michalek, J.), entered November 13, 2014. The order, among other things, denied a motion by defendants Evelyn Bencinich, Susan M. Davis, Steven Gathers, Angeline A. Genovese, Sandra Girage, Lorenz M. Wuster, and Andrew B. Lane to settle the consolidated record on appeal.

ARTHUR J. GIACALONE for EVELYN BENCINICH 15 minutes

BRENDAN H. LITTLE for AFFINITY ELMWOOD GATEWAY PROPERTIES 10 minutes

813.0
CA 14-02093

ANDREW H. HAIN
V
ANGELA J. JAMISON

Appeal from an order of the Supreme Court, Steuben County (Marianne Furfure, J.), entered August 15, 2014. The order denied the motion of defendant Drumm Family Farm, Inc. for summary judgment dismissing plaintiff's complaint and co-defendants' cross claims.

DEREK J. ROLLER for DRUMM FAMILY FARM, INC.	10 minutes
JAMES P. O'BRIEN for ANGELA J. JAMISON	10 minutes
ELLEN B. STURM for ANDREW H. HAIN	10 minutes

814.0
CA 15-00049

INTERBORO INSURANCE COMPANY
V
BUSHRA NAZ

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (Deborah H. Karalunas, J.), entered April 24, 2014. The order and judgment, among other things, denied plaintiff's motion for leave to enter a default judgment against defendants Bushra Naz, Cliffside Park Imaging & Diagnostic Center and Kimba Medical Supply, LLC.

JASON TENENBAUM for INTERBORO INSURANCE COMPANY	15 minutes
BUSHRA NAZ for HIMSELF	Submitted
MICHAEL DAVIT for CLIFFSIDE PARK IMAGING & DIAGNOSTI CENTER	Submitted
LEAH THOMPSON for KIMBA MEDICAL SUPPLY, LLC	Submitted