

**DAY CALENDAR**  
**Monday, April 6, 2015 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

431.0  
TP 14-00414

**NATHANIEL JAY**  
**V**  
**HAROLD GRAHAM**

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, Cayuga County [Mark H. Fandrich, A.J.], entered February 28, 2014) to review a determination of respondent. The determination found after a tier II hearing that petitioner had violated various inmate rules.

**NATHANIEL JAY for HIMSELF** Submitted

**PETER H. SCHIFF for HAROLD GRAHAM** Submitted

432.0  
KA 11-00418

**PEOPLE**  
**V**  
**TRENTON A. COOK**

Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered January 5, 2011. The judgment convicted defendant, upon a nonjury verdict, of criminal possession of a controlled substance in the seventh degree.

**MARTIN P. MCCARTHY, II, for TRENTON A. COOK** Submitted

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

433.0  
KA 12-01988

**PEOPLE**  
**V**  
**DAVID KITCHING**

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered January 24, 2012. The judgment convicted defendant, upon his plea of guilty, of gang assault in the second degree

**PIOTR BANASIAK for DAVID KITCHING** Submitted

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

434.0  
KA 13-01647

**PEOPLE**  
**V**  
**MICHAEL E. HAUG**

Appeal from a judgment of the Erie County Court (Thomas P. Franczyk, J.), rendered January 30, 2013. The judgment convicted defendant, upon his plea of guilty, of vehicular assault in the first degree and driving while intoxicated, a misdemeanor.

**ROBERT L. KEMP for MICHAEL E. HAUG** Submitted

**DAVID A. HERATY for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

435.0  
KA 13-02108

**PEOPLE**  
**V**  
**MARLAND D. BROOKS**

Appeal from a judgment of the Steuben County Court (Marianne Furfure, A.J.), rendered October 15, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted assault in the second degree.

JOHN A. CIRANDO for MARLAND D. BROOKS 5 minutes

JOHN C. TUNNEY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

436.0  
KA 13-02247

PEOPLE  
V  
STACEY CASTOR

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Joseph E. Fahey, J.), dated December 5, 2013. The order denied the motion of defendant pursuant to CPL 440.10.

J. SCOTT PORTER for STACEY CASTOR 15 minutes

JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

437.0  
KA 12-01834

PEOPLE  
V  
QUENTIN J. HICKS

Appeal from a judgment of the Oswego County Court (Walter W. Hafner, Jr., J.), rendered February 27, 2012. The judgment convicted defendant, upon his plea of guilty, of attempted conspiracy in the second degree.

LINDA M. CAMPBELL for QUENTIN J. HICKS 10 minutes

AMY L. HALLENBECK for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

438.0  
KA 14-01022

PEOPLE  
V  
MICHAEL C.

Appeal from an adjudication of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered January 14, 2014. The adjudication found defendant to be a youthful offender upon his plea of guilty to robbery in the third degree.

MICHAEL A.C. for HIMSELF Submitted

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

439.0  
KA 14-01023

PEOPLE  
V  
MICHAEL A.C.

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered January 14, 2014. The judgment convicted defendant, upon his plea of guilty, of assault in the second degree

MICHAEL A.C. for HIMSELF Submitted

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

440.0  
KA 12-01580

PEOPLE  
V  
MARCUS WILLIAMS

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered January 10, 2012. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

BRYCE THERRIEN for MARCUS WILLIAMS 10 minutes

JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

442.0  
CA 14-01751

JEFFREY CONSTANTINE, M.D.  
V  
STELLA MARIS INSURANCE COMPANY, LTD

Appeals and cross appeal from an order of the Supreme Court, Erie County (Joseph R. Glownia, J.), entered January 10, 2014 in a declaratory judgment action. The order denied the respective motions of the parties for summary judgment.

DAVID E. GUTOWSKI for CATHOLIC HEALTH EAST 5 minutes

KENNETH A. MANNING for STELLA MARIS INSURANCE COMPANY, LTD 15 minutes

TAMSIN J. HAGER for JEFFREY CONSTANTINE, M.D. 15 minutes

WILLIAM A. QUINLAN for MARY SERIO 15 minutes

444.0  
CAF 14-00219

In the Matter of  
CYLE J.F.

Appeal from an order of the Family Court, Seneca County (Dennis F. Bender, J.), entered January 10, 2014 in a proceeding pursuant to Family Court Act article 10. The order, among other things, placed respondent under the supervision of petitioner and placed the subject children in the custody of the Commissioner of Social Services of Seneca County.

STEVEN J. GETMAN for ALEXANDER F. Submitted

DAVID R. MORABITO, JR., for SENECA CO. DIVISION OF HUMAN SERVS. 10 minutes

MARYBETH D. BARNET, ATTORNEY FOR CHILD 10 minutes

445.0  
CAF 14-00178

In the Matter of  
DAVIANNA L.

Appeal from an order of the Family Court, Monroe County (Joseph G. Nesser, J.), entered January 10, 2014 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, adjudged that respondent had permanently neglected the subject child and transferred guardianship and custody of the subject child to petitioner.

ANDREW GOLDBERG for DAVID R. 10 minutes

CAROL LYNN EISENMAN for MONROE CO. DEPT. OF HUMAN SERVS. 5 minutes

BRYAN S. OATHOUT, ATTORNEY FOR CHILD 5 minutes

446.0  
CAF 14-00975

DARIO R. PEREZ  
V  
KARIN C. JOHNSON

Appeal from an order of the Family Court, Steuben County (Marianne Furfure, A.J.), entered October 15, 2013 in a proceeding pursuant to Family Court Act article 4. The order denied petitioner's objections to the order of the Support Magistrate.

	DARIO R. PEREZ for HIMSELF	10 minutes
	COLLEEN G. ZINK for KARIN C. JOHNSON	Submitted
447.0 CA 14-01992	<b>In the Matter of RORY G. WHITE, SUCCESSOR TRUSTEE</b>	
	Appeal from an order of the Surrogate's Court, Chautauqua County (Stephen W. Cass, S.), entered February 19, 2014. The order, among other things, denied petitioner's motion for an order approving the payment of reasonable attorney's fees and related expenses incurred by the Trust.	
	ALAN J. BOZER for RORY G. WHITE	10 minutes
	EDWARD P. WRIGHT for KIMBERLY G. VOWELL	10 minutes
448.0 CA 14-01952	<b>ALICE YARGEAU V LASERTRON</b>	
	Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered April 4, 2014. The order, among other things, granted defendants' cross motions for summary judgment and dismissed plaintiffs' complaint in its entirety against all defendants.	
	STEPHEN C. HALPERN for ALICE YARGEAU	15 minutes
	GEORGE SKANDALIS for LASERTRON	15 minutes
	MAURICE L. SYKES for CYBER SPORT MANUFACTURING, LLC	15 minutes
449.0 CA 14-01730	<b>SUSAN M. COFFED V JOHN N. MCCARTHY</b>	
	Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, Jr., J.), entered June 18, 2014. The order denied defendants' motion for summary judgment dismissing plaintiff's complaint.	
	NICOLE B. PALMERTON for JOHN N. MCCARTHY	10 minutes
	NELSON E. SCHULE, JR., for SUSAN M. COFFED	10 minutes
450.0 CA 14-01916	<b>TONYA TIEDE V FRONTIER SKYDIVERS, INC.</b>	
	Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), entered August 20, 2014. The order, insofar as appealed from, denied the motion of defendant John Huber for summary judgment dismissing the complaint and all cross claims.	
	STEVEN P. CURVIN for JOHN HUBER	10 minutes
	PAUL B. BECKER for TONYA TIEDE	10 minutes
451.0 CA 14-01252	<b>JEFFREY NOVAK V FREDERICK D. HICKS, DMD</b>	

Appeal from an order of the Supreme Court, Wayne County (John B. Nesbitt, A.J.), entered March 31, 2014. The order denied the cross motion of plaintiff for summary judgment on liability and granted the motion of defendant Frederick D. Hicks, DMD, for summary judgment dismissing the complaint.

PETER ROLPH for JEFFREY NOVAK 20 minutes

RACHEL A. EMMINGER for FREDERICK D. HICKS, DMD 10 minutes

452.0  
CA 14-02068

**BENEDETTA D. MELNICK**  
V  
**PAUL J. FARRELL, ESQ.**

Appeal from an order of the Supreme Court, Oneida County (Norman I. Siegel, J.), entered February 10, 2014. The order granted the motion of defendants for summary judgment, dismissed the complaint and amended complaint and awarded defendants judgment for costs and disbursements.

JAMES D. LANTIER for BENEDETTA D. MELNICK 15 minutes

PAUL G. FERRARA for PAUL J. FARRELL, ESQ. 15 minutes

453.0  
CA 14-02035

**DAWN HARRISON**  
V  
**SAMARITAN MEDICAL CENTER**

Appeal from an order of the Supreme Court, Herkimer County (Norman I. Siegel, J.), entered August 19, 2014. The order, insofar as appealed from, denied the motion of defendant to dismiss plaintiff's first, second and fourth causes of action.

DANIEL J. MOORE for SAMARITAN MEDICAL CENTER 10 minutes

ROBERT ABDELLA for DAWN HARRISON Submitted

454.0  
CA 14-01772

**HELEN F. DRISCOLL**  
V  
**BJ'S WHOLESALE CLUB, INC.**

Appeal and cross appeal from an order of the Supreme Court, Cayuga County (Thomas G. Leone, A.J.), entered December 19, 2013. The order denied the motion of plaintiffs for sanctions against defendant BJ's Wholesale Club, Inc., for spoliation of evidence, dismissed plaintiffs' claim for spoliation of evidence, denied the motion of BJ's Wholesale Club, Inc., for costs, and denied the motions of defendants for summary judgment dismissing the complaint.

ELIZABETH A. HOFFMAN for PAUL F. VITALE, INC. 10 minutes

STEPHEN SCOTT DAVIE for BJ'S WHOLESALE CLUB, INC. 15 minutes

MICHAEL G. BERSANI for HELEN F. DRISCOLL 10 minutes