

MOTION NO. (1576/90) KA 90-01576. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V HARRY AYRHART, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (484/97) KA 04-00304. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EARL STONE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CARNI, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1671/99) KA 99-00484. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN MOORE, ALSO KNOWN AS FRANKIE, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CENTRA, CARNI, LINDLEY, AND DEJOSEPH, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1573/07) KA 05-00983. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES F. CAHILL, III, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, PERADOTTO, LINDLEY, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (221/11) KA 09-01583. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ORLANDO O. OCASIO, DEFENDANT-APPELLANT. -- Motion for reargument and other relief denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

MOTION NOS. (34/15 and 47/18) KA 14-00040. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ISAAC L. MCDONALD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CARNI, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (758/17) KA 14-01239. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAWN J. COFFEE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, NEMOYER, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

MOTION NOS. (818-819/17) KA 15-00910. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EUGENE STEWART, DEFENDANT-APPELLANT. (APPEAL NO. 1.) KA 15-00911. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EUGENE STEWART, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1058/17) KA 15-00214. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DANTE TAYLOR, DEFENDANT-APPELLANT. -- Motion for reargument and other relief denied. PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1180/17) KA 13-01709. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TANISHA M. DAVIS, DEFENDANT-APPELLANT. -- Motion for writ of

error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1275/17) KA 13-02115. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOSEPH J. SANTIAGO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1414/17) KA 14-01577. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V VANGIE M. NAVARRO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1432/17) KA 16-01502. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MELVIN H. MILLER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: PERADOTTO, J.P., CARNI, DEJOSEPH, CURRAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (341/18) KA 16-00771. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V NATHANIEL RAY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (549/18) KA 16-00929. -- THE PEOPLE OF THE STATE OF NEW YORK,

RESPONDENT, V KEVIN WILLIAMS, ALSO KNOWN AS MAURICE WILLIAMS,
DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied.
PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND NEMOYER, JJ.
(Filed Sept. 27, 2019.)

MOTION NO. (555/18) KA 15-00941. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V ROBERT MCFADDEN, ALSO KNOWN AS JOHN DOE, DEFENDANT-APPELLANT.
-- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J.,
CENTRA, PERADOTTO, LINDLEY, AND NEMOYER, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (711/18) KA 16-02262. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V LESTER SCARBROUGH, DEFENDANT-APPELLANT. -- Motion for writ of
error coram nobis denied. PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN,
AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1248/18) CA 18-00897. -- NICHOLAS J. HOULE,
PLAINTIFF-RESPONDENT, V SEVENTWOTEN, LLC, DOING BUSINESS AS HELL BARBELL,
DEFENDANT-APPELLANT. SEVENTWOTEN, LLC, DOING BUSINESS AS HELL BARBELL,
THIRD-PARTY PLAINTIFF-APPELLANT-RESPONDENT, V G.S. 2 HEALTH & FITNESS MGT.,
INC., DOING BUSINESS AS GEORGE'S GYM EQUIPMENT, AND GEORGE'S GYM EQUIPMENT,
LLC, THIRD-PARTY DEFENDANTS-RESPONDENTS-APPELLANTS. -- Motion for leave to
appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI,
LINDLEY, DEJOSEPH, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (1305/18) CA 18-01107. -- ROBERT BERNARD DICKINSON,
PLAINTIFF-RESPONDENT, V BASSETT HEALTHCARE, MARSHALL E. PEDERSEN, JR.,
M.D., PATRICK DIETZ, M.D., DEFENDANTS-APPELLANTS, ET AL., DEFENDANTS. --
Motion for leave to appeal to the Court of Appeals denied. PRESENT:
WHALEN, P.J., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ. (Filed Sept. 27,
2019.)

MOTION NO. (1345/18) CA 18-00647. -- IN THE MATTER OF ROCHESTER GENESEE
REGIONAL TRANSPORTATION AUTHORITY, PETITIONER-RESPONDENT, V JOHN R.
STENSRUD, MARIA B. STENSRUD, RESPONDENTS-APPELLANTS, ET AL., RESPONDENT. --
Motion for reargument or leave to appeal to the Court of Appeals denied.
PRESENT: WHALEN, P.J., SMITH, CENTRA, CARNI, AND TROUTMAN, JJ. (Filed
Sept. 27, 2019.)

MOTION NO. (1443/18) CA 18-01335. -- DEBORAH A. DINIRO (PELLIGRA),
INDIVIDUALLY, AND AS PERSONAL REPRESENTATIVE AND EXECUTRIX OF THE ESTATE OF
RONALD J. PELLIGRA, DECEASED, (ALSO KNOWN AS RON PELLIGRA),
PLAINTIFF-RESPONDENT, V ASPEN ATHLETIC CLUB, LLC, ZEE MEDICAL, INC., EN PRO
MANAGEMENT, INC., DEFENDANTS-APPELLANTS, ET AL., DEFENDANTS. -- Motion for
reargument or leave to appeal to the Court of Appeals denied. PRESENT:
PERADOTTO, J.P., LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Sept. 27,
2019.)

MOTION NO. (129/19) OP 18-01675. -- IN THE MATTER OF UNITED REFINING COMPANY OF PENNSYLVANIA, PETITIONER, V TOWN OF AMHERST, RESPONDENT. --

Motion for reargument or leave to appeal to the Court of Appeals denied.

PRESENT: CENTRA, J.P., CARNI, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (146/19) CA 18-01406. -- IN THE MATTER OF THE CAMPAIGN FOR BUFFALO HISTORY ARCHITECTURE & CULTURE, INC., DEREK BATEMAN AND LORNA C. HILL, PETITIONERS-APPELLANTS, V ZONING BOARD OF APPEALS OF CITY OF BUFFALO, PLANNING BOARD OF CITY OF BUFFALO, RACHEL HECKL, INDIVIDUALLY AND AS PRINCIPAL MEMBER OF 467 RICHMOND AVENUE, LLC, AND 467 RICHMOND AVENUE, LLC, RESPONDENTS-RESPONDENTS. --

Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CENTRA, DEJOSEPH, CURRAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CENTRA, DEJOSEPH, CURRAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (186/19) CA 18-00861. -- FRANK VALENTE AND DARLENE VALENTE, PLAINTIFFS-RESPONDENTS-APPELLANTS, V UTICA FIRST INSURANCE COMPANY, DEFENDANT-APPELLANT-RESPONDENT. --

Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CARNI, DEJOSEPH, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CARNI, DEJOSEPH, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (263/19) CA 18-00655. -- TOWN OF BRIGHTON AND WEST BRIGHTON FIRE PROTECTION DISTRICT, PLAINTIFFS-APPELLANTS, V WEST BRIGHTON FIRE

DEPARTMENT, INC., DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., LINDLEY, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (285/19) CA 18-00329. -- IN THE MATTER OF PAT A. INZER, BRUCE HALL, DEAN C. MARSHALL, III, KEVIN HALL, JAMES QUINN, FOR JUDICIAL DISSOLUTION OF WEST BRIGHTON FIRE DEPARTMENT, INC., PURSUANT TO NOT-FOR-PROFIT CORPORATION LAW § 1102, AND TOWN OF BRIGHTON, PETITIONERS-RESPONDENTS, V WEST BRIGHTON FIRE DEPARTMENT, INC., RESPONDENT-APPELLANT, AND ERIC T. SCHNEIDERMAN, AS ATTORNEY GENERAL OF THE STATE OF NEW YORK, RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (312/19) KA 16-01481. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTONE HERROD, ALSO KNOWN AS TONE, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: PERADOTTO, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (342/19) KA 03-00547. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTOINE PARRIS, ALSO KNOWN AS ANTOINE LENOIR PARRIS, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (398/19) TP 18-02319. -- IN THE MATTER OF RICHARD RIVERA, PETITIONER, V ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (411/19) CA 18-02325. -- JARED N. UNDERBERG, PLAINTIFF-APPELLANT-RESPONDENT, V DRYDEN MUTUAL INSURANCE CO., DEFENDANT-RESPONDENT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (463/19) CA 18-02234. -- TERESSA CHAPLIN AND GABRIELLE CHAPLIN, PLAINTIFFS-APPELLANTS, V TIM N. TOMPKINS, DEFENDANT, AND WEST MAIN STREET PARTNERS, L.P., DEFENDANT-RESPONDENT. (APPEAL NO. 1.) -- Motions for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Sept. 27, 2019.)

MOTION NO. (518/19) CA 18-02280. -- STATE FARM FIRE & CASUALTY COMPANY, AS SUBROGEE OF CHRISTINE JONES, PLAINTIFF-RESPONDENT-APPELLANT, V SCOTT PENNOCK, DOING BUSINESS AS CHIM-CHIMNEE SWEEPS, DEFENDANT-APPELLANT-RESPONDENT. -- Motion for leave to appeal to the Court

of Appeals denied. PRESENT: CARNI, J.P., DEJOSEPH, NEMOYER, AND WINSLOW, JJ. (Filed Sept. 27, 2019.)

KA 16-00163. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIE BROWN, JR., DEFENDANT-APPELLANT. Motion to dismiss granted. Memorandum: The matter is remitted to Supreme Court, Monroe County, to vacate the judgment of conviction and dismiss the indictment either sua sponte or on application of either the District Attorney or the counsel for defendant (see *People v Matteson*, 75 NY2d 745 [1989]). PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Sept. 27, 2019.)

KA 18-00501. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEVEN LISZKA, SR., DEFENDANT-APPELLANT. Motion to dismiss granted. Memorandum: The matter is remitted to Yates County Court to vacate the judgment of conviction and dismiss the indictment either sua sponte or on application of either the District Attorney or the counsel for defendant (see *People v Matteson*, 75 NY2d 745 [1989]). PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Sept. 27, 2019.)

KAH 19-00124. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. MALIK MOSBY, PETITIONER-APPELLANT, V NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENT-RESPONDENT. --
Appeal dismissed as moot. Counsel's motion to be relieved of assignment granted. (Appeal from Judgment of Supreme Court, Wyoming

County, Michael M. Mohun, A.J. - Habeas Corpus). PRESENT: WHALEN,
P.J., PERADOTTO, LINDLEY, DEJOSEPH, AND NEMOYER, JJ. (Filed Sept. 27,
2019.)