

MOTION NO. (1516/90) 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, TROUTMAN, WINSLOW, AND DEJOSEPH, JJ. (Filed July 17, 2020.)

MOTION NO. (1752/00) KA 99-05535. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL SHAW, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND NEMOYER, JJ. (Filed July 17, 2020.)

MOTION NO. (932/02) KA 01-00480. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANDRE NORWOOD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, CURRAN, AND BANNISTER, JJ. (Filed July 17, 2020.)

MOTION NO. (1166/06) KA 03-01135. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MELVIN J. MOORE, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, NEMOYER, AND TROUTMAN, JJ. (Filed July 17, 2020.)

MOTION NO. (1568/06) KA 05-00836. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DARRELL GUNN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed July 17, 2020.)

MOTION NO. (1011/07) KA 06-00940. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EDUNDABIRA O. OJO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, TROUTMAN, AND BANNISTER, JJ. (Filed July 17, 2020.)

MOTION NO. (1516/10) KA 10-01301. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FRANKLIN D. SCHAFER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND BANNISTER, JJ. (Filed July 17, 2020.)

MOTION NO. (384/16) KA 13-01138. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BERNARD J. BUTLER, ALSO KNOWN AS BERNARD FAULKS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, CURRAN, AND TROUTMAN, JJ. (Filed July 17, 2020.)

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 July 17, 2020.)

MOTION NO. (1101/18) KA 14-01531. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL A. ALBERT, ALSO KNOWN AS GOTTI, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P.,

LINDLEY, NEMOYER, WINSLOW, AND DEJOSEPH, JJ. (Filed July 17, 2020.)

MOTION NO. (1262/18) KA 18-00126. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANDREW D. FITCH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, CURRAN, AND TROUTMAN, JJ. (Filed July 17, 2020.)

MOTION NO. (926/19) CA 18-01772. -- VIOLET REALTY, INC., PLAINTIFF-APPELLANT-RESPONDENT, V AMIGONE, SANCHEZ & MATTREY, LLP, DEFENDANT-RESPONDENT-APPELLANT. (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, WINSLOW, AND DEJOSEPH, JJ. (Filed July 17, 2020.)

MOTION NO. (964/19) CA 18-02306. -- JEANNETTE S., AS PARENT AND NATURAL GUARDIAN OF BRANDON K.S., PLAINTIFF-APPELLANT, V PIERRE E. WILLIOT, M.D., SAUL P. GREENFIELD, M.D., PEDIATRIC UROLOGY OF WESTERN NEW YORK, P.C., AND KALEIDA HEALTH, DOING BUSINESS AS WOMEN & CHILDREN'S HOSPITAL OF BUFFALO, DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, CURRAN, AND DEJOSEPH, JJ. (Filed July 17, 2020.)

MOTION NO. (1041/19) CAF 18-02251. -- IN THE MATTER OF TOMIKA N.H., PETITIONER-APPELLANT, V JESUS R. AND BRENDA S., RESPONDENTS-RESPONDENTS.

MAUREEN N. POLEN, ESQ., ATTORNEY FOR THE CHILD, APPELLANT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed July 17, 2020.)

MOTION NOS. (1141-1143/19) CA 18-01987. -- IN THE MATTER OF THE APPLICATION OF JON Z. AND VICTOR Z. FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY AND/OR PERSON OF MARGARET Z., AN ALLEGED INCAPACITATED PERSON. JON Z., PETITIONER-APPELLANT; THERESA M. GIROUARD, ESQ., APPOINTED GUARDIAN FOR MARGARET Z., AN ALLEGED INCAPACITATED PERSON, RESPONDENT-RESPONDENT.

(APPEAL NO. 1.) CA 18-01988. -- IN THE MATTER OF THE APPLICATION OF JON Z. AND VICTOR Z. FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY AND/OR PERSON OF MARGARET Z., AN ALLEGED INCAPACITATED PERSON. JON Z., PETITIONER-APPELLANT; THERESA M. GIROUARD, ESQ., APPOINTED GUARDIAN FOR MARGARET Z., AN ALLEGED INCAPACITATED PERSON, RESPONDENT-RESPONDENT.

(APPEAL NO. 2.) CA 18-01989. -- IN THE MATTER OF THE APPLICATION OF JON Z. AND VICTOR Z. FOR THE APPOINTMENT OF A GUARDIAN OF THE PROPERTY AND/OR PERSON OF MARGARET Z., AN ALLEGED INCAPACITATED PERSON. JON Z., PETITIONER-APPELLANT; THERESA M. GIROUARD, ESQ., APPOINTED GUARDIAN FOR MARGARET Z., AN ALLEGED INCAPACITATED PERSON, RESPONDENT-RESPONDENT.

(APPEAL NO. 3.) -- Motion for renewal denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CARNI, AND DEJOSEPH, JJ. (Filed July 17, 2020.)

MOTION NO. (14/20) CA 19-00100. -- 425 WEST MAIN ASSOCIATES LP,
PETITIONER-APPELLANT, V SELECTIVE INSURANCE COMPANY OF SOUTH CAROLINA,
RESPONDENT-RESPONDENT. -- Motion for leave to appeal to the Court of
Appeals denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND
WINSLOW, JJ. (Filed July 17, 2020.)

MOTION NO. (38/20) CA 19-01261. -- IN THE MATTER OF THE ESTATE OF HOWARD
MAX BRUSIE, ALSO KNOWN AS HOWARD M. BRUSIE, DECEASED. LISA FITZAK,
PETITIONER-APPELLANT. -- Motion for leave to appeal to the Court of Appeals
denied. PRESENT: PERADOTTO, J.P., CARNI, CURRAN, WINSLOW, AND DEJOSEPH,
JJ. (Filed July 17, 2020.)

MOTION NO. (59/20) CA 19-01227. -- IN THE MATTER OF NATIONAL FUEL GAS
SUPPLY CORPORATION, PETITIONER-RESPONDENT, V IVAN GUROV,
RESPONDENT-APPELLANT, ET AL., RESPONDENTS. (APPEAL NO. 1.) -- Motion
insofar as it seeks leave to reargue is deemed a motion seeking leave to
renew (see CPLR 2221 [e] [2]; *Baluk v New York Cent. Mut. Fire Ins. Co.*,
126 AD3d 1426, 1426-1427 [4th Dept 2015]), the motion is granted and, upon
renewal, the memorandum and order entered January 31, 2020 (179 AD3d 1453)
is amended by deleting the ordering paragraph and memorandum and
substituting the following ordering paragraph: "It is hereby ORDERED that
the order so appealed from is unanimously affirmed without costs (see
Matter of National Fuel Gas Supply Corp. v Schueckler, – NY3d –, 2020 NY
Slip Op 03563 [June 25, 2020])." PRESENT: CENTRA, J.P., PERADOTTO,

LINDLEY, NEMOYER, AND BANNISTER, JJ. (Filed July 17, 2020.)

MOTION NO. (65/20) CA 19-01194. -- IN THE MATTER OF NATIONAL FUEL GAS SUPPLY CORPORATION, PETITIONER-RESPONDENT, V EMILY R. OPREA AND GRACE R. PAGE, AS TRUSTEES FOR THE RODERICK FAMILY TRUST, RESPONDENTS-APPELLANTS, ET AL., RESPONDENTS. (APPEAL NO. 2.) -- Motion insofar as it seeks leave to reargue is deemed a motion seeking leave to renew (see CPLR 2221 [e][2]; *Baluk v New York Cent. Mut. Fire Ins. Co.*, 126 AD3d 1426, 1426-1427 [4th Dept 2015]), the motion is granted and, upon renewal, the memorandum and order entered January 31, 2020 (179 AD3d 1454) is amended by deleting the ordering paragraph and substituting the following ordering paragraph: "It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs (see *Matter of National Fuel Gas Supply Corp. v Schueckler*, – NY3d –, 2020 NY Slip Op 03563 [June 25, 2020])." PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND BANNISTER, JJ. (Filed July 17, 2020.)

MOTION NO. (77/20) CA 19-01269. -- MICHAEL TURNER, PLAINTIFF-APPELLANT, V BETH HIGGINS, ET AL., DEFENDANTS. FARMERS NEW CENTURY INSURANCE COMPANY, INTERVENOR-RESPONDENT. -- Motion for renewal and reargument denied. PRESENT: WHALEN, P.J., CARNI, BANNISTER, AND DEJOSEPH, JJ. (Filed July 17, 2020.)

MOTION NO. (183/20) KA 18-01176. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RASHAD J. MUHAMMAD, DEFENDANT-APPELLANT. -- Motion for

reargument denied. PRESENT: WHALEN, P.J., CENTRA, CURRAN, WINSLOW, AND BANNISTER, JJ. (Filed July 17, 2020.)

MOTION NO. (228/20) KA 17-01912. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JUSTIN L. LETZELTER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed July 17, 2020.)

MOTION NO. (244/20) CA 19-00826. -- AMANDA TAYLOR, PLAINTIFF-RESPONDENT, V KWIK FILL - RED APPLE A DIVISION AND WHOLLY OWNED SUBSIDIARY OF UNITED REFINING COMPANY, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed July 17, 2020.)

MOTION NO. (365/20) CA 18-01698. -- GLASCO WRIGHT, CLAIMANT-APPELLANT, V STATE OF NEW YORK, DEFENDANT-RESPONDENT. (CLAIM NO. 126445.) -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed July 17, 2020.)

KAH 19-00881. -- IN THE MATTER OF IQUAN WIGGS, PETITIONER-APPELLANT, V JAMES THOMPSON, SUPERINTENDENT COLLINS CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Supreme Court, Erie County, John L.

Michalski, J.). PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND
BANNISTER, JJ. (Filed July 17, 2020.)