

MOTION NO. (1116/99) KA 99-00063. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SAMUEL MCNEAR, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., DEJOSEPH, NEMOYER, AND WINSLOW, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (607/08) KA 05-01064. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JARROD A. BREWER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1451/08) KA 06-01104. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V REGGIE D. CASWELL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., DEJOSEPH, NEMOYER, AND TROUTMAN, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (358/10) KA 07-01557. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHAD T. HOLLOWAY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, AND NEMOYER, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1088/11) KA 08-01131. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JONATHAN J. MEEK, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CARNI, J.P., LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (97/12) KA 09-01250. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CARL CAREY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, AND LINDLEY, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1012/17) KA 14-00582. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTONIO ORTIZ, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1093/18) CA 18-00648. -- IN THE MATTER OF SIERRA CLUB, COMMITTEE TO PRESERVE THE FINGER LAKES BY AND IN THE NAME OF PETER GAMBA, ITS PRESIDENT, AND COALITION TO PROTECT NEW YORK, BY AND IN THE NAME OF KATHRYN BARTHOLOMEW, ITS TREASURER, PETITIONERS-APPELLANTS, V NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, BASIL SEGGOS, COMMISSIONER, GREENIDGE GENERATION, LLC, GREENIDGE PIPELINE, LLC, GREENIDGE PIPELINE PROPERTIES CORPORATION AND LOCKWOOD HILLS, LLC, RESPONDENTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, PERADOTTO, DEJOSEPH, AND TROUTMAN, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1108/18) CA 18-00261. -- DAVID FLOWERS, PLAINTIFF-RESPONDENT, V HARBORCENTER DEVELOPMENT, LLC, AND M.A. MORTENSON COMPANY, DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court

of Appeals denied. PRESENT: CENTRA, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND WINSLOW, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1208/18) CA 18-00260. -- DONNA POWELL, CLAIMANT-APPELLANT, V CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY, RESPONDENT-RESPONDENT, ET AL., RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, NEMOYER, AND CURRAN, JJ. (Filed Apr. 26, 2019.)

MOTION NOS. (1300-1301/18) CAF 17-00796. -- IN THE MATTER OF JAIME D. AND JACOB D. OSWEGO COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; JAMES N., RESPONDENT, AND JACQUELINA D., RESPONDENT-APPELLANT. (APPEAL NO. 1.) CAF 17-02042. -- IN THE MATTER OF JAIME D. AND JACOB D. OSWEGO COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; JAMES N., RESPONDENT, AND JACQUELINA D., RESPONDENT-APPELLANT. (APPEAL NO. 2.) -- Motion for reargument denied. PRESENT: WHALEN, P.J., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ. (Filed Apr. 26, 2019.)

MOTION NOS. (1302-1303/18) CA 18-00604. -- IN THE MATTER OF M. B., PETITIONER-APPELLANT, V NEW YORK STATE OFFICE OF MENTAL HEALTH, ERIE COUNTY MEDICAL CENTER, SUICIDE PREVENTION AND CRISIS SERVICES, INC., BRYLIN HOSPITAL, AND LAKESHORE BEHAVIORAL HEALTH, RESPONDENTS-RESPONDENTS. (APPEAL NO. 1.) CA 18-00605. -- IN THE MATTER OF MICHAEL BRUNETTO, PETITIONER-APPELLANT, V

NEW YORK STATE OFFICE OF MENTAL HEALTH, ERIE COUNTY MEDICAL CENTER, SUICIDE PREVENTION AND CRISIS SERVICES, INC., BRYLIN HOSPITAL AND LAKESHORE BEHAVIORAL HEALTH, RESPONDENTS-RESPONDENTS. (APPEAL NO. 2.) -- Motion for clarification denied. PRESENT: WHALEN, P.J., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1327/18) CA 18-01020. -- NANCY BURKHART, AS ADMINISTRATOR OF THE ESTATE OF BRIAN BURKHART, DECEASED, PLAINTIFF-APPELLANT, V PEOPLE, INC., ELISA SMITH, KATELYNNE COLEMAN, AMY MAZURKIEWICZ, DEFENDANTS-RESPONDENTS, LUCIAN VISIONE, AND LAKEFRONT CONSTRUCTION, INC., DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (1461/18) CA 18-01324. -- DANIEL J. BECK AND DEBRA BECK, PLAINTIFFS-RESPONDENTS, V CITY OF NIAGARA FALLS, ET AL., DEFENDANTS, AND NIAGARA FALLS WATER BOARD, DEFENDANT-APPELLANT. -- Motion for reargument be and the same hereby is granted to the extent that, upon reargument, the memorandum and order entered February 8, 2019 (169 AD3d 1528) is amended by deleting the third sentence of the memorandum and substituting the following sentence: "Plaintiffs allege that the Niagara Falls Water Board (defendant) was responsible for the care and maintenance of the area on Simmons Avenue where the incident is alleged to have occurred." PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, CURRAN, AND WINSLOW, JJ. (Filed Apr. 26, 2019.)

MOTION NO. (17/19) CA 18-01465. -- IN THE MATTER OF JOHN LIPSITZ,
PETITIONER-APPELLANT, V UBF FACULTY-STUDENT HOUSING CORP.,
RESPONDENT-RESPONDENT. -- Motion for leave to appeal to the Court of Appeals
denied. PRESENT: WHALEN, P.J., CENTRA, NEMOYER, CURRAN, AND WINSLOW, JJ.
(Filed Apr. 26, 2019.)