

MOTION NO. (1102/98) KA 25-00324. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROY B. HIGHSMITH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: BANNISTER, J.P., OGDEN, GREENWOOD, AND DELCONTE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (87/02) KA 00-02959. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EVERTON HIBBERT, DEFENDANT-APPELLANT. -- Motion for reconsideration of writ of error coram nobis denied. PRESENT: WHALEN, P.J., CURRAN, SMITH, NOWAK, AND HANNAH, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (1325/07) KA 05-01444. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BRANDON M. MCGRADY, DEFENDANT-APPELLANT. -- Motion to renew appeal denied. PRESENT: BANNISTER, J.P., MONTOUR, SMITH, OGDEN, AND GREENWOOD, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (1155/12) KA 10-00517. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FRANK GARCIA, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: LINDLEY, J.P., CURRAN, OGDEN, GREENWOOD, AND KEANE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (711/18) KA 16-02262 AND KA 16-02264. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V LESTER SCARBROUGH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: LINDLEY, J.P.,

CURRAN, BANNISTER, OGDEN, AND GREENWOOD, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (212/21) KA 17-01813. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CAMERON ISAAC, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CURRAN, J.P., BANNISTER, SMITH, OGDEN, AND GREENWOOD, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (558/21) KA 19-01416. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY MOSES, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, MONTOUR, AND SMITH, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (818/21) KA 18-01993. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANTHONY C. WILLIAMS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: BANNISTER, J.P., MONTOUR, SMITH, NOWAK, AND KEANE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (434/22) KA 18-00691. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RAMON MERCADO-GOMEZ, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CURRAN, BANNISTER, MONTOUR, AND SMITH, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (564/23) CA 22-01764. -- GARY J. LAVINE, PLAINTIFF-RESPONDENT-APPELLANT, V RITA M. GLAVIN,

DEFENDANT-APPELLANT-RESPONDENT. -- Motion for leave to renew, or modification denied. PRESENT: WHALEN, P.J., LINDLEY, OGDEN, AND GREENWOOD, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (584/24) CA 23-01544. -- JACKIE MYLAR, AS POWER OF ATTORNEY FOR TEAIRRA MASON, PLAINTIFF-RESPONDENT, V NIAGARA FALLS MEMORIAL MEDICAL CENTER, ET AL., DEFENDANTS, FDR MEDICAL SERVICES AND LEE CHALUPKA, M.D., **DEFENDANTS-APPELLANTS.** -- Motion for reargument denied. PRESENT: CURRAN, J.P., BANNISTER, MONTOUR, SMITH, AND DELCONTE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (934/24) CA 23-01865. -- CALEB MCCUDDEN, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED, PLAINTIFF-APPELLANT-RESPONDENT, V CANISIUS COLLEGE, **DEFENDANT-RESPONDENT-APPELLANT.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CURRAN, GREENWOOD, NOWAK, AND KEANE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (16/25) TP 24-00518. -- IN THE MATTER OF MICHAEL T. STANZ, DOING BUSINESS AS DUNCAN MOTOR CARS SALES & SERVICE, INC., PETITIONER, V STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES, **RESPONDENT.** -- Motion for reargument denied. PRESENT: WHALEN, P.J., BANNISTER, GREENWOOD, NOWAK, AND KEANE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (97/25) KA 21-01564. -- THE PEOPLE OF THE STATE OF NEW YORK,

RESPONDENT, V DERRICK C. MARSH, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, NOWAK, AND KEANE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (157/25) CA 24-01288. -- LEE FANG, PLAINTIFF-APPELLANT, V TOWN OF AMHERST, DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., BANNISTER, OGDEN, NOWAK, AND KEANE, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (173/25) CA 23-02137. -- C. R. J., PLAINTIFF-APPELLANT, V OSWEGO COUNTY, ET AL., DEFENDANTS, BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH, DEFENDANT-RESPONDENT. - COUNTY OF OSWEGO, THIRD-PARTY PLAINTIFF, V BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH, ET AL., THIRD-PARTY DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CURRAN, J.P., MONTOUR, SMITH, AND HANNAH, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (262/25) CAF 24-00557. -- IN THE MATTER OF RACHEL CAVITT, PETITIONER-RESPONDENT, V JOSEPH CAVITT, RESPONDENT-APPELLANT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: LINDLEY, J.P., MONTOUR, SMITH, DELCONTE, AND HANNAH, JJ. (Filed Oct. 3, 2025.)

MOTION NO. (270/25) CA 24-01080. -- VLADIMIR NESTERENKO, PLAINTIFF-APPELLANT, V BURR W. HALL, M.D., DEFENDANT-RESPONDENT. -- Motion

for reargument denied. PRESENT: LINDLEY, J.P., MONTOUR, SMITH, DELCONTE, AND HANNAH, JJ. (Filed Oct. 3, 2025.)

MOTION NOS. (333-335/25) CA 24-00996, CA 24-01502 AND CA 24-01241. -- MELINDA SCHWARTZ, PLAINTIFF-RESPONDENT, V DANIEL A. SCHWARTZ, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- MELINDA SCHWARTZ, PLAINTIFF-RESPONDENT, V DANIEL A. SCHWARTZ, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- MELINDA SCHWARTZ, PLAINTIFF-RESPONDENT, V DANIEL A. SCHWARTZ, DEFENDANT-APPELLANT. (APPEAL NO. 3.) -- Motions for reargument or in the alternative leave to appeal to the Court of Appeals denied. PRESENT: CURRAN, J.P., BANNISTER, SMITH, DELCONTE, AND HANNAH, JJ. (Filed Oct. 3, 2025.)

MOTION NOS. (383-385/25) CA 24-00339, CA 24-00340 AND CA 24-00348. -- KENNETH HEINRICH, INDIVIDUALLY AND AS THE ADMINISTRATOR OF THE ESTATE OF DAVID ALAN HEINRICH, DECEASED, PLAINTIFF-APPELLANT, V KELLEY A. SERENS, N.P., LAUREN PIPAS, M.D., DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (APPEAL NO. 1.) -- KENNETH HEINRICH, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DAVID ALAN HEINRICH, DECEASED, PLAINTIFF-APPELLANT, V KELLEY A. SERENS, N.P., ET AL., DEFENDANTS, MARIAM ALEXANDER, M.D., AMY PATEL, M.D., VIVIAN CHAN, M.D., AND MICHAEL KOSTERS, M.D., DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.) -- KENNETH HEINRICH, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DAVID ALAN HEINRICH, DECEASED, PLAINTIFF-APPELLANT, V KELLEY

**A. SERENS, N.P., ET AL., DEFENDANTS, LYNN MARIE CLEARY, M.D.,
DEFENDANT-RESPONDENT. (APPEAL NO. 3.)** -- Motions for reargument denied.
PRESENT: LINDLEY, J.P., CURRAN, OGDEN, DELCONTE, AND KEANE, JJ. (Filed
Oct. 3, 2025.)

**MOTION NO. (501/25) CA 24-01568. -- IN THE MATTER OF HAUNTED FOREST, LLC,
AND TRACY A. QUINN, PETITIONERS-PLAINTIFFS-RESPONDENTS, V TOWN OF WILSON
AND TOWN OF WILSON ZONING BOARD, RESPONDENTS-DEFENDANTS-APPELLANTS. (APPEAL
NO. 2.)** -- Motion for leave to appeal to the Court of Appeals granted.
PRESENT: LINDLEY, J.P., MONTOUR, GREENWOOD, NOWAK, AND KEANE, JJ. (Filed
Oct. 3, 2025.)

**MOTION NO. (545/25) CA 24-00870. -- PATRICK J. HOOVER, PLAINTIFF-APPELLANT,
V CLOUD 9 SMOKES & VAPORS, ET AL., DEFENDANTS, LG CHEM LIMITED, AND LG CHEM
AMERICA, INC., DEFENDANTS-RESPONDENTS.** -- Motion for reargument denied.
PRESENT: LINDLEY, J.P., SMITH, NOWAK, AND HANNAH, JJ. (Filed Oct. 3,
2025.)

**KA 24-00336. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FAJAH R.
BENTLEY, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis
denied. PRESENT: MONTOUR, J.P., OGDEN, GREENWOOD, NOWAK, AND DELCONTE,
JJ. (Filed Oct. 3, 2025.)

KA 22-01430. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVID GARDNER, DEFENDANT-APPELLANT. -- Motion to dismiss appeal granted. Matter remitted to Supreme Court, Monroe County, to vacate judgment of conviction and dismiss indictment (*see People v Matteson*, 75 NY2d 745, 747 [1989]).
PRESENT: WHALEN, P.J., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ.
(Filed Oct. 3, 2025.)

KA 23-00823, KA 23-00932, KA 23-00933, KA 23-00934, AND KA 23-00935. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CASSIDY WARD, DEFENDANT-APPELLANT. -- Motion to dismiss appeals granted. Matters remitted to Seneca County Court to vacate judgments of conviction and dismiss indictments (*see People v Matteson*, 75 NY2d 745, 747 [1989]).
PRESENT: WHALEN, P.J., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ.
(Filed Oct. 3, 2025.)