

MOTION NO. (1576/90) KA 90-01576. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V HARRY AYRHART, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND VALENTINO, JJ. (Filed June 12, 2015.)

MOTION NO. (355/06) KA 04-02388. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DARRYL STOKES, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., LINDLEY, VALENTINO, WHALEN, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (616/13) KA 08-02220. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHERROD CARTER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, SCONIERS, AND WHALEN, JJ. (Filed June 12, 2015.)

MOTION NO. (540/14) KA 12-01248. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL A. ROSS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed June 12, 2015.)

MOTION NOS. (92/13 and 1153/14) KA 11-00966. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVAN DARK, ALSO KNOWN AS MIKE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, VALENTINO AND DEJOSEPH, JJ.

(Filed June 12, 2015.)

MOTION NO. (1361/14) CAF 13-01515. -- IN THE MATTER OF ZINETA AVDIC,
PETITIONER-APPELLANT-RESPONDENT, V REFIK AVDIC,
RESPONDENT-RESPONDENT-APPELLANT. IN THE MATTER OF REFIK AVDIC,
PETITIONER-RESPONDENT-APPELLANT, V ZINETA AVDIC,
RESPONDENT-APPELLANT-RESPONDENT. SUSAN B. MARRIS, ESQ., ATTORNEY FOR THE
CHILD, APPELLANT-RESPONDENT. (APPEAL NO. 1.) -- Motion for reargument
denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, VALENTINO, AND DEJOSEPH,
JJ. (Filed June 12, 2015.)

MOTION NO. (1364/14) CA 14-00851. -- RADON CORPORATION OF AMERICA, INC.,
PLAINTIFF-APPELLANT-RESPONDENT, V NATIONAL RADON SAFETY BOARD,
DEFENDANT-RESPONDENT, RADON TESTING CORPORATION OF AMERICA, INC.,
DEFENDANT-RESPONDENT-APPELLANT, NANCY BREDHOFF AND ANDREAS GEORGE,
DEFENDANTS-RESPONDENTS. -- Motions for reargument or leave to appeal to the
Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI,
VALENTINO, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (1393/14) CA 14-00673. -- ROGER D. CRAIN, PLAINTIFF-APPELLANT, V
BILL E. MANNISE AND CYNTHIA L. MANNISE, DEFENDANTS-RESPONDENTS. WILLIAM E.
MANNISE AND CYNTHIA L. MANNISE, THIRD-PARTY PLAINTIFFS, V MICHAEL ARCURI,
THIRD-PARTY DEFENDANT. -- Motion for reargument or leave to appeal to the

Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed June 12, 2015.)

MOTION NO. (4/15) KA 14-00465. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JERRY GILLARD, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (6/15) KA 13-00410. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RYAN P. BRAHNEY, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (7/15) KA 13-01456. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RYAN P. BRAHNEY, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (14/15) CA 13-00976. -- ADAM VILLAR, PLAINTIFF-APPELLANT, V COUNTY OF ERIE, DEFENDANT-RESPONDENT. (APPEAL NO. 1.) -- Motions for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (21/15) CA 13-00979. -- ADAM VILLAR, PLAINTIFF-APPELLANT, V TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF, DEFENDANT-RESPONDENT. (APPEAL NO. 1.) -- Motion for reargument denied. Motion for leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (97/15) KA 10-00076. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DANIEL JONES, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CARNI, VALENTINO, AND WHALEN, JJ. (Filed June 12, 2015.)

MOTION NO. (108/15) CA 13-00385. -- IN THE MATTER OF THE ESTATE OF MAGDA CORDELL MCHALE, DECEASED. DENISE KELLEHER, PETITIONER-RESPONDENT-RESPONDENT, EVAN MCHALE, RESPONDENT-PETITIONER-APPELLANT; THE JOHN MCHALE AND MAGDA MCHALE ARCHIVES FOUNDATION, RESPONDENT-RESPONDENT. CHARITABLE BENEFICIARIES, INTERESTED PARTY-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, AND VALENTINO, JJ. (Filed June 12, 2015.)

MOTION NO. (110/15) CA 14-01110. -- IN THE MATTER OF TOWN BOARD OF TOWN OF BRIGHTON, ON BEHALF OF TOWN OF BRIGHTON, AND WEST BRIGHTON FIRE PROTECTION DISTRICT, PETITIONERS-PLAINTIFFS-RESPONDENTS, V WEST BRIGHTON FIRE

DEPARTMENT, INC., RESPONDENT-DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., CARNI, LINDLEY, AND VALENTINO, JJ. (Filed June 12, 2015.)

MOTION NO. (115/15) CA 14-01114. -- **KATHLEEN BENEDETTI, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF ERIC SMITH, DECEASED, PLAINTIFF-RESPONDENT, V ERIE COUNTY MEDICAL CENTER CORPORATION, DEFENDANT-APPELLANT, ET AL., DEFENDANTS.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, AND VALENTINO, JJ. (Filed June 12, 2015.)

MOTION NO. (127/15) CA 14-00358. -- **LAURA SHELTERS, PLAINTIFF-RESPONDENT, V CITY OF DUNKIRK HOUSING AUTHORITY, DEFENDANT-APPELLANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, VALENTINO, WHALEN, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (240/15) CA 14-01129. -- **MARGARITA ZULEY, M.D., PLAINTIFF-APPELLANT, V ELIZABETH WENDE BREAST CARE, LLC, WENDE LOGAN-YOUNG, M.D., STAMATIA DESTOUNIS, M.D., PHILIP MURPHY, M.D., POSY SEIFERT, D.O., AND PATRICIA SOMERVILLE, M.D., DEFENDANTS-RESPONDENTS.** -- Motion for reargument of the appeal is granted to the extent that, upon reargument, the memorandum and order entered March 27, 2015 (126 AD3d 1460), is amended by adding "December" before the year "2004" in the seventh sentence of the

first paragraph of the memorandum and by deleting the period at the end of the eighth sentence of the first paragraph of the memorandum and adding the following language thereafter: ", and Logan-Young's attorney reiterated that proposal in August 2005. In November 2005, however, Logan-Young's attorney indicated that the purchase price would be \$2 million, which would not be decreased by profits from the practice pending the closing."

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND WHALEN, JJ.

(Filed June 12, 2015.)

MOTION NO. (263/15) CA 14-01423. -- HOLLY M. REDMOND, PLAINTIFF-RESPONDENT, V DENIS M. REDMOND AND CANDACE G. REDMOND, DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, SCONIERS, AND VALENTINO, JJ. (Filed June 12, 2015.)

MOTION NO. (265/15) CA 14-01716. -- GREGORY MILLER, PLAINTIFF-RESPONDENT, V WEBB OF BUFFALO, LLC, DEFENDANT-RESPONDENT-APPELLANT, BURKE HOMES, LLC, AND TIME WARNER CABLE, INC., DEFENDANTS-APPELLANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, SCONIERS, AND VALENTINO, JJ. (Filed June 12, 2015.)

MOTION NO. (284/15) CA 14-01684. -- ADAM WEIERHEISER, PLAINTIFF-RESPONDENT, V MCCANN'S, INC., DOING BUSINESS AS MOONEY'S SPORTS BAR & GRILL, AND DARRT AMUSEMENT, INC., DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J.,

LINDLEY, VALENTINO, AND DEJOSEPH, JJ. (Filed June 12, 2015.)

MOTION NO. (322/15) KA 13-01489. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DANIEL J. BURNETT, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed June 12, 2015.)

KAH 14-00992. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. CURTIS DAVIS, PETITIONER-APPELLANT, V NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENT-RESPONDENT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (see *People v Crawford*, 71 AD2d 38 [1979]). (Appeal from a Judgment [denominated order] of the Supreme Court, Wyoming County, Michael M. Mohun, A.J. - Habeas Corpus). PRESENT: SCUDDER, P.J., SMITH, SCONIERS, VALENTINO, AND DEJOSEPH, JJ. (Filed June 12, 2015.)