

**MOTION NO. (1518/91) KA 04-00648. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V BARRY ARKIM, ALSO KNOWN AS ED MASON, DEFENDANT-APPELLANT. --**  
Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, LINDLEY, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (1303/96) KA 13-01676. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES DAVIS WILSON, DEFENDANT-APPELLANT. --** Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, FAHEY, LINDLEY, AND SCONIERS, JJ. (Filed Dec. 27, 2013.)

**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: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (1009/99) KA 98-08383. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MIGUEL TIRADO, DEFENDANT-APPELLANT. --** Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, FAHEY, SCONIERS, AND WHALEN, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (1316/06) KA 04-02937. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CONSTANTINE L. JACKSON, DEFENDANT-APPELLANT. --** Motion for reargument and for other relief denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, PERADOTTO, AND SCONIERS, JJ. (Filed Dec. 27, 2013.)

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: SCUDDER, P.J., SMITH, FAHEY, LINDLEY, AND SCONIERS, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (44/08) KA 03-00150. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RAYMOND CLAIR CIMINO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, FAHEY, SCONIERS, AND WHALEN, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (124/09) KA 06-03044. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CONSTANTINE JACKSON, DEFENDANT-APPELLANT. -- Motion for reargument and for other relief denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, PERADOTTO, AND SCONIERS, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (691/10) KA 09-01326. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RODNEY BANKS, DEFENDANT-APPELLANT. -- Motion for reargument and reconsideration denied. PRESENT: SCUDDER, P.J., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (390/11) KA 10-00665. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICKY L. WINTERS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis and for other relief denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, AND LINDLEY, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (1012/11) KA 09-01372. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V PAUL A. OSBORNE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., FAHEY, LINDLEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (225/12) KA 09-00903. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICHARD E. AIKEY, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND SCONIERS, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (507/12) KA 08-02457. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JASON TARO, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, AND SCONIERS, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (1009/12) CA 11-00477. -- IN THE MATTER OF STATE OF NEW YORK, PETITIONER-RESPONDENT, V JODY JAMES TROMBLEY, RESPONDENT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND LINDLEY, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (1044.1/12) CA 11-02000. -- MICHAEL JAMES OLSEN, PLAINTIFF-RESPONDENT, V LOUIS F. KOZLOWSKI, DEFENDANT, AND SHIRLEY F. KOZLOWSKI, DEFENDANT-APPELLANT. -- Motion for clarification denied. PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND SCONIERS, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (1373/12) KA 11-00287. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EARL HOWARD, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis and for other relief denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (1470/12) KA 11-00927. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ENNIS E. RUFFIN, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (330/13) CAF 12-01556. -- IN THE MATTER OF JENNIFER MCLAUGHLIN, PETITIONER-RESPONDENT, V TIMOTHY MCLAUGHLIN, RESPONDENT-APPELLANT.** -- Motion for reargument denied. PRESENT: SCUDDER, P.J., FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (575/13) CAF 12-01060. -- IN THE MATTER OF CAYDEN L.R. JEFFERSON COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; MELISSA R., RESPONDENT-APPELLANT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND LINDLEY, JJ. (Filed Dec. 27, 2013.)

**MOTION NO. (854/13) KAH 12-00565. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. JAMES SMITH, PETITIONER-APPELLANT, V HAROLD D. GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY, RESPONDENT-RESPONDENT.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (956/13) CA 13-00262. -- JOSEPH SAINT AND SHEILA SAINT,  
PLAINTIFFS-RESPONDENTS, V SYRACUSE SUPPLY COMPANY, DEFENDANT-APPELLANT. --  
Motion for reargument or leave to appeal to the Court of Appeals denied.  
PRESENT: SMITH, J.P., PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Dec. 27,  
2013.)

MOTION NO. (970/13) CA 13-00254. -- RICHARD POTTER, PLAINTIFF-RESPONDENT, V  
STEVENS VAN LINES, INC. AND DAVID J. FISK, DEFENDANTS-APPELLANTS. -- Motion  
for correction, clarification or reargument denied. PRESENT: SCUDDER,  
P.J., FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (972/13) CA 12-01849. -- PATRICIA J. CURTO, PLAINTIFF-APPELLANT,  
V NATIONAL FUEL CORPORATION, DEFENDANT-RESPONDENT. (APPEAL NO. 1.) --  
Motion for reargument or leave to appeal to the Court of Appeals denied.  
PRESENT: SCUDDER, P.J., FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec.  
27, 2013.)

MOTION NO. (973/13) CA 12-01850. -- PATRICIA J. CURTO, PLAINTIFF-APPELLANT,  
V NATIONAL FUEL CORPORATION, DEFENDANT-RESPONDENT. (APPEAL NO. 2.) --  
Motion for reargument or leave to appeal to the Court of Appeals denied.  
PRESENT: SCUDDER, P.J., FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec.  
27, 2013.)

MOTION NO. (996/13) CA 12-01911. -- IN THE MATTER OF SMALL SMILES  
LITIGATION. KELLY VARANO, AS PARENT AND NATURAL GUARDIAN OF INFANT JEREMY

BOHN, SHANNON FROIO, AS PARENT AND NATURAL GUARDIAN OF INFANT SHAWN  
DARLING, BRENDA FORTINO, AS PARENT AND NATURAL GUARDIAN OF INFANT JULIE  
FORTINO, MARIE MARTIN, AS PARENT AND NATURAL GUARDIAN OF INFANT KENNETH  
KENYON, JENNY LYNN COWHER, AS PARENT AND NATURAL GUARDIAN OF INFANT WILLIAM  
MARTIN, HOLLAN CRIPPEN, AS PARENT AND NATURAL GUARDIAN OF INFANT DEVAN  
MATHEWS, JESSICA RECORE, AS PARENT AND NATURAL GUARDIAN OF INFANT SAMANTHA  
MCLOUGHLIN, LAURIE RIZZO AND DOMINICK RIZZO, AS LEGAL CUSTODIANS OF INFANT  
JACOB MCMAHON, JASON MONTANYE, AS PARENT AND NATURAL GUARDIAN OF INFANT  
KADEM MONTANYE AND FRANCES SHELLINGS, AS PARENT AND NATURAL GUARDIAN OF  
INFANT RAYNE SHELLINGS, PLAINTIFFS-RESPONDENTS, V FORBA HOLDINGS, LLC, NOW  
KNOWN AS CHURCH STREET HEALTH MANAGEMENT, LLC, FORBA NY, LLC, FORBA, LLC,  
NOW KNOWN AS LICSAAC LLC, FORBA NY, LLC, NOW KNOWN AS LICSAAC NY, LLC, DD  
MARKETING, INC., DEROSE MANAGEMENT, LLC, SMALL SMILES DENTISTRY OF  
SYRACUSE, LLC, DANIEL E. DEROSE, MICHAEL A. DEROSE, D.D.S., EDWARD J.  
DEROSE, D.D.S., ADOLPH R. PADULA, D.D.S., WILLIAM A. MUELLER, D.D.S.,  
MICHAEL W. ROUMPH, NAVEED AMAN, D.D.S., KOURY BONDS, D.D.S., TAREK ELSAFTY,  
D.D.S., YAQOOB KHAN, D.D.S., JANINE RANDAZZO, D.D.S., LOC VINH VUU, D.D.S.,  
DEFENDANTS-APPELLANTS; ET AL., DEFENDANTS. (ACTION NO. 1.) -- SHANTEL  
JOHNSON, AS PARENT AND NATURAL GUARDIAN OF INFANT KEVIN BUTLER, VERONICA  
ROBINSON, AS PARENT AND NATURAL GUARDIAN OF INFANT ARIANA FLORES, DEMITA  
GARRETT, AS PARENT AND NATURAL GUARDIAN OF INFANT I'YANA GARCIA SANTOS,  
KATHRYN JUSTICE, AS PARENT AND NATURAL GUARDIAN OF INFANT BREYONNA HOWARD,  
ELIZABETH LORRAINE, AS PARENT AND NATURAL GUARDIAN OF INFANT SHILOH  
LORRAINE, JR., LAPORSHA SHAW, AS PARENT AND NATURAL GUARDIAN OF INFANT  
ALEXIS PARKER, ROBERT RALSTON, AS PARENT AND NATURAL GUARDIAN OF INFANT

BRANDIE RALSTON, KATRICE MARSHALL, AS PARENT AND NATURAL GUARDIAN OF INFANT LESANA ROSS, TIFFANY HENTON, AS PARENT AND NATURAL GUARDIAN OF INFANT COREY SMITH AND JANET TABER, AS PARENT AND NATURAL GUARDIAN OF INFANT JON TABER, PLAINTIFFS-RESPONDENTS, V FORBA HOLDINGS, LLC, NOW KNOWN AS CHURCH STREET HEALTH MANAGEMENT, LLC, FORBA NY, LLC, FORBA, LLC, NOW KNOWN AS LICSAAC, LLC, FORBA NY, LLC, NOW KNOWN AS LICSAAC NY LLC, DD MARKETING, INC., DEROSE MANAGEMENT, LLC, SMALL SMILES DENTISTRY OF ROCHESTER, LLC, DANIEL E. DEROSE, MICHAEL A. DEROSE, D.D.S., EDWARD J. DEROSE, D.D.S., ADOLPH R. PADULA, D.D.S., WILLIAM A. MUELLER, D.D.S., MICHAEL W. ROUMPH, SHILPA AGADI, D.D.S., KOURY BONDS, D.D.S., ISMATU KAMARA, D.D.S., KEIVAN ZOUFAN, D.D.S., SONNY KHANNA, D.D.S., KIM PHAM, D.D.S., LAWANA FUQUAY, D.D.S., DEFENDANTS-APPELLANTS; ET AL., DEFENDANTS. (ACTION NO. 2.) -- TIMOTHY ANGUS, AS PARENT AND NATURAL GUARDIAN OF INFANT JACOB ANGUS, JESSALYN PURCELL, AS PARENT AND NATURAL GUARDIAN OF INFANT ISAAH BERG, BRIAN CARTER, AS PARENT AND NATURAL GUARDIAN OF INFANT BRIANA CARTER, APRIL FERGUSON, AS PARENT AND NATURAL GUARDIAN OF INFANT JOSEPH FERGUSON, SHERAIN RIVERA, AS PARENT AND NATURAL GUARDIAN OF INFANT SHADAYA GILMORE, TONYA POTTER, AS PARENT AND NATURAL GUARDIAN OF INFANT DESIRAE HAGER, NANCY WARD, AS LEGAL CUSTODIAN OF INFANT AALYIAROSE LABOMBARD-BLACK, NANCY WARD, AS LEGAL CUSTODIAN OF INFANT MANUEL LABORDE, JR., JENNIFER BACON, AS PARENT AND NATURAL GUARDIAN OF INFANT ASHLEY PARKER AND COURTNEY CONRAD, AS PARENT AND NATURAL GUARDIAN OF INFANT ZAKARY WILSON, PLAINTIFFS-RESPONDENTS, V FORBA HOLDINGS, LLC, NOW KNOWN AS CHURCH STREET HEALTH MANAGEMENT, LLC, FORBA NY, LLC, FORBA, LLC, NOW KNOWN AS LICSAAC, LLC, FORBA NY, LLC, NOW KNOWN AS LICSAAC NY LLC, DD MARKETING, INC., DEROSE MANAGEMENT, LLC, SMALL

SMILES DENTISTRY OF ALBANY, LLC, ALBANY ACCESS DENTISTRY, PLLC, DANIEL E. DEROSE, MICHAEL A. DEROSE, D.D.S., EDWARD J. DEROSE, D.D.S., ADOLPH R. PADULA, D.D.S., WILLIAM A. MUELLER, D.D.S., MICHAEL W. ROUMPH, MAZIAR IZADI, D.D.S., JUDITH MORI, D.D.S., LISSETTE BERNAL, D.D.S., EDMISE FORESTAL, D.D.S., EVAN GOLDSTEIN, D.D.S., KEERTHI GOLLA, D.D.S., NASSEF LANCEN, D.D.S., DEFENDANTS-APPELLANTS; ET AL., DEFENDANTS. (ACTION NO. 3.)

-- Motions for reargument and leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, AND LINDLEY, JJ. (Filed Dec. 27, 2013.)

MOTION NO. (1062/13) CA 12-02061. -- JUDY MILLS, PLAINTIFF-RESPONDENT, V RICHARD MILLS, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

KA 12-00881. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT BUCKMAN, DEFENDANT-APPELLANT. -- Judgment unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Judgment of Livingston County Court, Robert B. Wiggins, J. - Attempted Burglary, 2nd Degree). PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, CARNI, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

KAH 11-01160. -- THE PEOPLE OF THE STATE OF NEW YORK EX REL. WALTER ROACHE, PETITIONER-APPELLANT, V DONALD SAWYER, EXECUTIVE DIRECTOR OF CENTRAL NEW YORK PSYCHIATRIC CENTER, RESPONDENT-RESPONDENT. -- Motion for reargument denied. (Appeal from Judgment [denominated order] of Supreme Court, Oneida



County, Bernadette T. Clark, J. - Habeas Corpus). PRESENT: SCUDDER, P.J., FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)

**KA 12-00711. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V HENRY M. WRIGHT, DEFENDANT-APPELLANT.** -- Resentence unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Resentence of Erie County Court, Michael F. Pietruszka, J. - Assault, 2nd Degree). PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, CARNI, AND VALENTINO, JJ. (Filed Dec. 27, 2013.)