

MOTION NO. (163/22) CA 21-00961. -- PEARL STREET PARKING ASSOCIATES LLC, AND VIOLET REALTY, INC., DOING BUSINESS AS MAIN PLACE LIBERTY GROUP, PLAINTIFFS-RESPONDENTS-APPELLANTS, V COUNTY OF ERIE, MARK C. POLONCARZ, WILLIAM GEARY, DEFENDANTS-APPELLANTS-RESPONDENTS, CITY OF BUFFALO, DEFENDANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, P.J., LINDLEY, CURRAN, AND BANNISTER, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (304/22) KA 16-00442. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V GREGORY FRANKLIN, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, MONTOUR, AND GREENWOOD, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (949/22) CA 22-01075. -- JACKIE WEISBROD-MOORE, PLAINTIFF-RESPONDENT, V CAYUGA COUNTY, DEFENDANT-APPELLANT, ET AL., DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, AND MONTOUR, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (965/22) CA 22-00002. -- CITIBANK, N.A., NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE OF NRZ PASS-THROUGH TRUST VI, PLAINTIFF-RESPONDENT, V ARTHUR BAILEY, AS HEIR TO THE ESTATE OF DAVID B. BAILEY, DEFENDANT-APPELLANT, ET AL., DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: LINDLEY,

J.P., BANNISTER, MONTOUR, AND GREENWOOD, JJ. (Filed Sept. 29, 2023.)

**MOTION NO. (993/22) CA 21-01495. -- IN THE MATTER OF DANIEL B. PETERSON,
PETITIONER-APPELLANT, V TOWN OF ALEXANDRIA, RESPONDENT-RESPONDENT. --**

Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, CURRAN,
MONTOUR, AND OGDEN, JJ. (Filed Sept. 29, 2023.)

**MOTION NO. (995/22) CA 21-00704. -- FLORENCE LOUISE HARMS, INDIVIDUALLY AND
AS EXECUTOR OF THE ESTATE OF ROBERT L. HARMS, DECEASED,**

**PLAINTIFF-APPELLANT, V TLC HEALTH NETWORK, LAKE SHORE HEALTH CARE CENTER,
DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. --** Motion for reargument or
leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J.,
SMITH, CURRAN, MONTOUR, AND OGDEN, JJ. (Filed Sept. 29, 2023.)

**MOTION NO. (54/23) KAH 21-01768. -- THE PEOPLE OF THE STATE OF NEW YORK EX
REL. SALEEM SPENCER, PETITIONER-APPELLANT, V ANTHONY J. ANNUCCI, NEW YORK
STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION PAROLE,**

RESPONDENT-RESPONDENT. -- Motion for reargument or leave to appeal to the
Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, MONTOUR, AND
OGDEN, JJ. (Filed Sept. 29, 2023.)

**MOTION NO. (111/23) CA 22-00606. -- CODY RAY GERNATT, PLAINTIFF-APPELLANT,
V MICHAEL W. GREGOIRE, DEFENDANT-RESPONDENT. --** Motion for leave to appeal

to the Court of Appeals denied. PRESENT: LINDLEY, J.P., BANNISTER, MONTOUR, AND OGDEN, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (208/23) CA 22-00230. -- MICHAEL SANFILIPPO, PLAINTIFF-RESPONDENT, V DAVID J. BOHME, MICHAEL CANNAN, ALSO KNOWN AS MICHAEL CANNON, RICHARD M. BOHME, DEFENDANTS-APPELLANTS, ET AL., DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, P.J., LINDLEY, MONTOUR, OGDEN, AND GREENWOOD, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (235/23) CA 22-01270. -- IN THE MATTER OF LETITIA JAMES, ATTORNEY GENERAL OF STATE OF NEW YORK, PETITIONER-RESPONDENT, V VDRNC, LLC, DOING BUSINESS AS VAN DUYN CENTER FOR REHABILITATION AND NURSING, RESPONDENT-APPELLANT, DESG SOFTWARE, LLC, DOING BUSINESS AS E & I SOFTWARE INC., RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: LINDLEY, J.P., CURRAN, OGDEN, AND GREENWOOD, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (292/23) CA 22-00199. -- IN THE MATTER OF THE ACCOUNTING BY CHERYL M. PASTOR, AS EXECUTOR OF THE ESTATE OF JOHN W. MORRISON, DECEASED, PETITIONER-RESPONDENT. -- IN THE MATTER OF THE ACCOUNTING BY CHERYL M. PASTOR, AS EXECUTOR OF THE JOHN W. MORRISON RESIDUARY TRUST, PETITIONER-RESPONDENT; DYANNA M. WHITE, OBJECTANT-APPELLANT. -- Motion for

renewal denied. PRESENT: WHALEN, P.J., BANNISTER, MONTOUR, AND GREENWOOD, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (334/23) CA 22-01119. -- TINA KNAPP AND MICHAEL KNAPP, PLAINTIFFS-APPELLANTS, V FINGER LAKES NY, INC., DOING BUSINESS AS DIVERSIFIED CONTRACTING CO., AGGRESSIVE COMPANY, INC., NAPLES RENTAL & SUPPLY COMPANY, INC., NAPLES BARGAINS, INC., A&S MCCALL, INC., JOEL S. SMITH, INDIVIDUALLY, JULIE SMITH, INDIVIDUALLY, BRANDON SMITH, INDIVIDUALLY, AND SARA OUDERKIRK, INDIVIDUALLY, DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, P.J., LINDLEY, CURRAN, MONTOUR, AND OGDEN, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (402/23) KA 20-01124. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIAM C. SHRUBSALL, ALSO KNOWN AS ETHAN MACLEOD, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CURRAN, BANNISTER, AND OGDEN, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (414/23) CA 22-00831. -- EMMETT HARRIS, PLAINTIFF-RESPONDENT, V ROME MEMORIAL HOSPITAL, DEFENDANT-APPELLANT, ET AL., DEFENDANTS. -- Motion for reargument denied. PRESENT: SMITH, P.J., CURRAN, BANNISTER, AND OGDEN, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (433/23) CA 22-00273. -- IN THE MATTER OF VLADIMIR JEANTY,

PETITIONER-APPELLANT, V UTICA POLICE DEPARTMENT, MELISSA SCIORTINO, CITY CLERK/RECORDS ACCESS OFFICER, AND WILLIAM BORRILL, RECORDS ACCESS APPEALS OFFICER, RESPONDENTS-RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, CURRAN, BANNISTER, AND GREENWOOD, JJ. (Filed Sept. 29, 2023.)

MOTION NO. (438/23) CA 22-01471. -- IN THE MATTER OF MARK O'BRIEN, LCSW-R, DIRECTOR OF COMMUNITY SERVICES FOR THE COUNTY OF ERIE, PETITIONER-RESPONDENT, V BRENDA HAYNES, RESPONDENT-APPELLANT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, CURRAN, BANNISTER, AND GREENWOOD, JJ. (Filed Sept. 29, 2023.)

KA 20-01169. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JERRY A. DANNA, DEFENDANT-APPELLANT. Motion to dismiss appeal granted. Matter remitted to Cattaraugus County Court to vacate judgment of conviction and dismiss superior court information (see *People v Matteson*, 75 NY2d 745, 747 [1989]). PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND BANNISTER, JJ. (Filed Sept. 29, 2023.)

KA 20-01463. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ABDUL GHANI, ALSO KNOWN AS ABDUL GHANI HUSSEIN, DEFENDANT-APPELLANT. Motion to dismiss appeal granted. Matter remitted to Supreme Court, Erie County, to vacate judgment of conviction and dismiss indictment (see *People v Matteson*, 75 NY2d 745, 747 [1989]). PRESENT: WHALEN, P.J., SMITH,

LINDLEY, CURRAN, AND BANNISTER, JJ. (Filed Sept. 29, 2023.)

KA 20-01464. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ABDUL GHANI, ALSO KNOWN AS ABDUL GHANI HUSSEIN, DEFENDANT-APPELLANT. Motion to dismiss appeal granted. Matter remitted to Supreme Court, Erie County, to vacate judgment of conviction and dismiss indictment (*see People v Matteson*, 75 NY2d 745, 747 [1989]). PRESENT: WHALEN, P.J., SMITH, LINDLEY, CURRAN, AND BANNISTER, JJ. (Filed Sept. 29, 2023.)