

MOTION NO. (130/99) KA 98-00738. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JULIO NIEVES, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., CARNI, DEJOSEPH, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (1619/03) KA 03-00350. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAMION SMITH, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (581/07) KA 04-01075. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DOMINIC DENNARD, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, CURRAN, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

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: CENTRA, J.P., PERADOTTO, CARNI, DEJOSEPH, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (1200/12) KA 09-01058. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V GREGORY HARVEY, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CARNI, CURRAN, TROUTMAN, AND WINSLOW, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (560/18) CAF 16-02183. -- IN THE MATTER OF TAKODA G., EMMA T., HANNAH T., AVA T., AND MIA T. ONTARIO COUNTY DEPARTMENT OF SOCIAL SERVICES CHILD PROTECTIVE UNIT, PETITIONER-RESPONDENT; JUAN T., RESPONDENT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND NEMOYER, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (1325/18) CA 18-01090. -- MARGARET L. MONZON, PLAINTIFF-APPELLANT, V JOHN A. PORTER, M.D., DEFENDANT-RESPONDENT, ET AL., DEFENDANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., LINDLEY, DEJOSEPH, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (1426/18) KA 16-00806. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V STEVEN D. SZATANEK, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, CURRAN, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (162/19) CA 18-01316. -- IN THE MATTER OF FRONTIER STONE, LLC, ZELAZNY FAMILY ENTERPRISES, LLC, JAMES J. ZELAZNY, ROBERT W. KWANDRANS, AND DAVID KRUG, PETITIONERS-PLAINTIFFS-APPELLANTS, V TOWN OF SHELBY, TOWN BOARD OF TOWN OF SHELBY, AND TOWN OF SHELBY PLANNING BOARD, RESPONDENTS-DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., PERADOTTO,

LINDLEY, DEJOSEPH, AND NEMOYER, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (168/19) CA 18-01072. -- HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, PLAINTIFF-APPELLANT, V VILLAGE OF HERKIMER, DEFENDANT-RESPONDENT, ET AL., DEFENDANT. (ACTION NO. 1.) IN THE MATTER OF HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, PETITIONER-RESPONDENT, V VILLAGE OF HERKIMER AND JOHN SPANFELNER, AS CODES OFFICER FOR VILLAGE OF HERKIMER, RESPONDENTS-APPELLANTS. (ACTION NO. 2.) -- Motion for reargument denied. Motion for leave to appeal to the Court of Appeals granted. PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, DEJOSEPH, AND NEMOYER, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (203/19) KA 17-00614. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JASON R. VOTRA, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, CURRAN, AND WINSLOW, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (310/19) CA 18-02007. -- MICHEL SAVOIE AND JENNIFER SAVOIE, PLAINTIFFS-APPELLANTS, V PAUL C. GIGLIOTTI, JOHN A. MARTINO, TREBROS INC., AND TREBROS INC., DOING BUSINESS AS MISTER B'S RESTAURANT & TAVERN, DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (368/19) CA 18-01139. -- IN THE MATTER OF JOHN SCHMIDT, PETITIONER, AND TERRENCE A. ROBINSON, PETITIONER-APPELLANT, V CITY OF BUFFALO PLANNING BOARD, CITY OF BUFFALO PRESERVATION BOARD AND NORSTAR DEVELOPMENT USA, L.P., RESPONDENTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., CARNI, LINDLEY, TROUTMAN, AND WINSLOW, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (441/19) CA 18-00955. -- NICHOLAS L. VASSENELLI, PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, STEPHANIE A. MINER, IN HER INDIVIDUAL AND OFFICIAL CAPACITY AS MAYOR OF CITY OF SYRACUSE, FRANK L. FOWLER, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS CHIEF OF POLICE FOR CITY OF SYRACUSE, JUDY CULETON, IN HER INDIVIDUAL AND OFFICIAL CAPACITY AS DIRECTOR OF HUMAN RESOURCES DIVISION OF SYRACUSE POLICE DEPARTMENT, MATTHEW DRISCOLL, IN HIS INDIVIDUAL CAPACITY AS FORMER MAYOR OF CITY OF SYRACUSE, GARY MIGUEL, IN HIS INDIVIDUAL CAPACITY AS FORMER CHIEF OF POLICE OF CITY OF SYRACUSE, SERGEANT RICHARD PERRIN, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, DAVID BARRETTE, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS DEPUTY CHIEF OF SYRACUSE POLICE DEPARTMENT, SERGEANT MICHAEL MOUREY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS EMPLOYEE IN CHARGE OF THE MEDICAL SECTION OF CITY OF SYRACUSE POLICE DEPARTMENT, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (ACTION NO. 1.) NICHOLAS L. VASSENELLI, PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, STEPHANIE A. MINER, IN HER INDIVIDUAL AND OFFICIAL CAPACITY AS MAYOR OF CITY OF SYRACUSE, FRANK L.

FOWLER, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS CHIEF OF POLICE FOR CITY OF SYRACUSE, SERGEANT MICHAEL MOUREY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS EMPLOYEE IN CHARGE OF THE MEDICAL SECTION OF CITY OF SYRACUSE POLICE DEPARTMENT, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (ACTION NO. 2.) (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (442/19) CA 18-00985. -- NICHOLAS L. VASSENELLI, PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, ET AL., DEFENDANTS, AND SHARON ERIKSSON, IN HER INDIVIDUAL CAPACITY AS A FORMER AGENT OF THE CITY OF SYRACUSE, DEFENDANT-RESPONDENT. (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (443/19) CA 18-01031. -- NICHOLAS L. VASSENELLI, PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, ET AL., DEFENDANTS, POMCO GROUP, ALSO KNOWN AS POMCO, INC., INDIVIDUALLY AND AS AN AGENT FOR CITY OF SYRACUSE, AND SHARON MILLER, IN HER INDIVIDUAL CAPACITY AS A FORMER AGENT OF CITY OF SYRACUSE, DEFENDANTS-RESPONDENTS. (APPEAL NO. 3.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (444/19) CA 18-01074. -- NICHOLAS L. VASSENELLI,
PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, ET AL., DEFENDANTS, PMA MANAGEMENT
CORP. AND CAROL WAHL, DEFENDANTS-RESPONDENTS. (APPEAL NO. 4.) -- Motion
for reargument or leave to appeal to the Court of Appeals denied. PRESENT:
WHALEN, P.J., PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (445/19) CA 18-01081. -- NICHOLAS L. VASSENELLI,
PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, ET AL., DEFENDANTS, POMCO GROUP,
ALSO KNOWN AS POMCO, INC., INDIVIDUALLY AND AS AGENT FOR CITY OF SYRACUSE
AND SHARON MILLER, IN HER INDIVIDUAL CAPACITY AS A FORMER AGENT OF CITY OF
SYRACUSE, DEFENDANTS-RESPONDENTS. (APPEAL NO. 5.) -- Motion for reargument
or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J.,
PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (446/19) CA 18-01082. -- NICHOLAS L. VASSENELLI,
PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, ET AL., DEFENDANTS, AND SHARON
ERIKSSON, IN HER INDIVIDUAL CAPACITY AS A FORMER AGENT OF THE CITY OF
SYRACUSE, DEFENDANT-RESPONDENT. (APPEAL NO. 6.) -- Motion for reargument
or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J.,
PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (447/19) CA 18-01083. -- NICHOLAS L. VASSENELLI,
PLAINTIFF-APPELLANT, V CITY OF SYRACUSE, ET AL., DEFENDANTS, PMA MANAGEMENT

CORP. AND CAROL WAHL, DEFENDANTS-RESPONDENTS. (APPEAL NO. 7.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., PERADOTTO, NEMOYER, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (564/19) CA 18-01598. -- IN THE MATTER OF LEVEL 3 COMMUNICATIONS, LLC, BROADWING COMMUNICATIONS, LLC, GLOBAL CROSSING NORTH AMERICA, INC., AND GLOBAL CROSSING TELECOMMUNICATIONS, INC., PETITIONERS-PLAINTIFFS-RESPONDENTS-APPELLANTS, V ERIE COUNTY, CITY OF BUFFALO, CITY OF LACKAWANNA, VILLAGE OF NORTH COLLINS, LAKE SHORE CENTRAL SCHOOL DISTRICT, NORTH COLLINS CENTRAL SCHOOL DISTRICT, RESPONDENTS-DEFENDANTS-APPELLANTS-RESPONDENTS, CITY OF LACKAWANNA SCHOOL DISTRICT, AND EDEN CENTRAL SCHOOL DISTRICT, RESPONDENTS-DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (568/19) CA 18-01575. -- IN THE MATTER OF LEVEL 3 COMMUNICATIONS, LLC, PETITIONER-PLAINTIFF-APPELLANT, V CHAUTAUQUA COUNTY, CITY OF DUNKIRK, TOWN OF DUNKIRK, TOWN OF PORTLAND, TOWN OF RIPLEY, TOWN OF WESTFIELD, VILLAGE OF BROCTON, VILLAGE OF WESTFIELD, DUNKIRK CITY SCHOOL DISTRICT, BROCTON CENTRAL SCHOOL DISTRICT, FREDONIA CENTRAL SCHOOL DISTRICT, RIPLEY CENTRAL SCHOOL DISTRICT, AND WESTFIELD CENTRAL SCHOOL DISTRICT, RESPONDENTS-DEFENDANTS-RESPONDENTS. -- Motion for reargument or

leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (618/19) CA 18-01138. -- TAMMY A. CLEVELAND, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF MICHAEL E. CLEVELAND, DECEASED, PLAINTIFF-APPELLANT-RESPONDENT, V GREGORY C. PERRY, M.D., FDR MEDICAL SERVICES, P.C., KALEIDA HEALTH AND KALEIDA HEALTH/DEGRAFF MEMORIAL HOSPITAL, DEFENDANTS-RESPONDENTS-APPELLANTS. (APPEAL NO. 2.) -- Motion for reargument denied. PRESENT: CENTRA, J.P., PERADOTTO, DEJOSEPH, CURRAN, AND WINSLOW, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (637/19) CA 18-01677. -- HAMILTON EQUITY GROUP, LLC, AS ASSIGNEE OF HSBC BANK USA, NATIONAL ASSOCIATION, PLAINTIFF-RESPONDENT, V HECTOR A. MARICHAL, P.C., HECTOR A. MARICHAL, DEFENDANTS-APPELLANTS, ET AL., DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, NEMOYER, AND TROUTMAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (643/19) TP 18-02320. -- IN THE MATTER OF DARNELL DAVISON, PETITIONER, V ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, RESPONDENT. -- Motion for leave to renew dismissed. PRESENT: SMITH, J.P., CARNI, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (728/19) CA 18-01753. -- IN THE MATTER OF MILBURN MCFADDEN AND
THERESA MCFADDEN, PETITIONERS-APPELLANTS, V TOWN OF WESTMORELAND ZONING
BOARD, RESPONDENT-RESPONDENT. -- Motion for reargument or leave to appeal
to the Court of Appeals denied. PRESENT: WHALEN, P.J., PERADOTTO, CARNI,
LINDLEY, AND CURRAN, JJ. (Filed Nov. 8, 2019.)

MOTION NO. (754/19) TP 19-00004. -- IN THE MATTER OF LUCIOUS PETERS,
PETITIONER, V AUBURN CORRECTIONAL FACILITY, RESPONDENT. -- Motion for
reargument or leave to appeal to the Court of Appeals denied. PRESENT:
SMITH, J.P., PERADOTTO, CARNI, NEMOYER, AND WINSLOW, JJ. (Filed Nov. 8,
2019.)