

MOTION NO. (1150/10) KA 07-00132. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL J. HENDERSON, DEFENDANT-APPELLANT. -- Motion for renewal is dismissed as untimely. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, NEMOYER, AND CURRAN, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (252/12) KA 10-02161. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ANDRE L. SCOTT, ALSO KNOWN AS ANDRE SCOTT, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, CENTRA, PERADOTTO, AND TROUTMAN, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (434/12) KA 10-01638. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V PHILLIP HOLLOWAY, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (539/16) KA 14-00531. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V FREDERICK SYMONDS, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, NEMOYER, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (196/17) KA 15-01369. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WENDELL D. SMITH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis granted. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (706/17) KA 13-01187. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ERIC A. MAGIN, DEFENDANT-APPELLANT. -- Motion for reargument denied and motion for leave to the Court of Appeals held for determination by a Justice of this Court. PRESENT: SMITH, J.P., LINDLEY, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (854/20) CA 19-01080. -- IN THE MATTER OF COALITION FOR COBBS HILL, BY ITS CO-CHAIRPERSON THOMAS PASTECKI, COBBS HILL VILLAGE TENANTS' ASSOCIATION, BY ITS PRESIDENT LEE SENGBUSCH, LEE SENGBUSCH, CAROLINE REAMORE, KENNETH BOICE, CAROL WILSON, BARBARA VANWIE, BRENT GRATTAN, THE ABC STREETS NEIGHBORHOOD ASSOCIATION, INC., THE FRIENDS OF WASHINGTON GROVE, INC., UPPER MONROE NEIGHBORHOOD ASSOCIATION, BY ITS PRESIDENT CHRISTENA STEVENS, AND NUNDA BOULEVARD ASSOCIATION, BY ITS PRESIDENT JEFF MILLS, PETITIONERS-PLAINTIFFS-APPELLANTS, V CITY OF ROCHESTER, CITY OF ROCHESTER PLANNING COMMISSION, CITY OF ROCHESTER MANAGER OF ZONING, PLYMOUTH GARDENS, INC., ROCHESTER MANAGEMENT, INC., RESPONDENTS-DEFENDANTS-RESPONDENTS, ET AL., RESPONDENTS-DEFENDANTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CURRAN, TROUTMAN, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (860/20) CA 19-01875. -- DIMARCO CONSTRUCTORS, LLC, KENNEDY MECHANICAL PLUMBING & HEATING, INC., LANDMARK ELECTRIC, INC., U.S. CEILING

CORP., SWAN TILE & MARBLE, INC., KORNERSTONE KITCHENS, LLC, BBT
CONSTRUCTION SERVICES, INC., NORTHEAST COMMERCIAL FLOORING, INC., AND JAMES
C. DELLY, DOING BUSINESS AS JAMES C. DELLY CUSTOM PAINTING, ON THEIR OWN
BEHALF AND ON BEHALF OF OTHERS SIMILARLY SITUATED,
PLAINTIFFS-APPELLANTS-RESPONDENTS, V TOP CAPITAL OF NEW YORK BROCKPORT,
LLC, PERSISTENCE PATH, LLC, ZHENG ZHOU, TIMOTHY COOPER, TIMOTHY POLEY,
MICHAEL PALUMBO, DEFENDANTS-RESPONDENTS-APPELLANTS, AND LOUIS GIARDINO,
DEFENDANT-RESPONDENT. -- Motion for reargument or leave to appeal to the
Court of Appeals denied. PRESENT: WHALEN, P.J., SMITH, CURRAN, TROUTMAN,
AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (926/20) KA 18-00530. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V ADRIAN LIGGINS, ALSO KNOWN AS "AGE", DEFENDANT-APPELLANT. --
Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, NEMOYER,
WINSLOW, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (932/20) KA 17-00556. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V CHRISTOPHER PEARSON, DEFENDANT-APPELLANT. -- Motion for
reargument denied and motion for leave to appeal to the Court of Appeals
held for determination by a Justice of this Court. PRESENT: WHALEN, P.J.,
CENTRA, NEMOYER, WINSLOW, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (1075/20) CA 19-01501. -- IN THE MATTER OF TOWN OF TONAWANDA

POLICE CLUB, INC., AND HOWARD M. SCHOLL, III, PETITIONERS-RESPONDENTS, V TOWN OF TONAWANDA, TOWN BOARD OF TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, AND JEROME C. USCHOLD, III, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE, RESPONDENTS-APPELLANTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., CARNI, NEMOYER, AND WINSLOW, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (1178/20) KA 19-01784. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL A. LOPEZ, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, WINSLOW, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (1180/20) KA 16-02366. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TINA L. WAGONER, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, WINSLOW, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (1205/20) CA 19-02264. -- SUZANNE P., ADMINISTRATRIX OF THE ESTATE OF MITCHELL P., DECEASED, PLAINTIFF-RESPONDENT, V JOINT BOARD OF DIRECTORS OF ERIE-WYOMING COUNTY SOIL CONSERVATION DISTRICT, ALSO KNOWN AS THE ERIE-WYOMING JOINT WATERSHED BOARD, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND BANNISTER, JJ. (Filed Oct. 1,

2021.)

MOTION NO. (1228/20) KA 16-01154. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOSEPH P. GANT, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, TROUTMAN, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (1237/20) CA 19-02019. -- ADAM O'SHEI, PLAINTIFF-RESPONDENT, V UTICA FIRST INSURANCE COMPANY, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, TROUTMAN, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (34/21) TP 20-01012. -- IN THE MATTER OF CHAD SLEIMAN, PETITIONER, V NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT, NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES AND ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, CPS UNIT AND OFFICE OF LEGAL AFFAIRS, RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, TROUTMAN, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (38/21) CA 19-01721. -- IN THE MATTER OF FINGER LAKES RAILWAY CORP., PETITIONER-PLAINTIFF-APPELLANT, V CITY OF CANANDAIGUA, ASSESSOR FOR CITY OF CANANDAIGUA, BOARD OF ASSESSMENT REVIEW FOR CITY OF CANANDAIGUA,

TOWN OF CANANDAIGUA, ASSESSOR FOR TOWN OF CANANDAIGUA, BOARD OF ASSESSMENT REVIEW FOR TOWN OF CANANDAIGUA, TOWN OF GENEVA, ASSESSOR FOR TOWN OF GENEVA, BOARD OF ASSESSMENT REVIEW FOR TOWN OF GENEVA, TOWN OF HOPEWELL, ASSESSOR FOR TOWN OF HOPEWELL, BOARD OF ASSESSMENT REVIEW FOR TOWN OF HOPEWELL, TOWN OF MANCHESTER, ASSESSOR FOR TOWN OF MANCHESTER, BOARD OF ASSESSMENT REVIEW FOR TOWN OF MANCHESTER, TOWN OF PHELPS, ASSESSOR FOR TOWN OF PHELPS, BOARD OF ASSESSMENT REVIEW FOR TOWN OF PHELPS, VILLAGE OF PHELPS, VILLAGE OF SHORTSVILLE, VILLAGE OF CLIFTON SPRINGS, CANANDAIGUA CITY SCHOOL DISTRICT, GENEVA CITY SCHOOL DISTRICT, MANCHESTER-SHORTSVILLE CENTRAL SCHOOL DISTRICT, PHELPS-CLIFTON SPRINGS CENTRAL SCHOOL DISTRICT, AND COUNTY OF ONTARIO, RESPONDENTS-DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CARNI, J.P., LINDLEY, CURRAN, TROUTMAN, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (57/21) CA 20-00299. -- CENTERLINE/FLEET HOUSING PARTNERSHIP, L.P. - SERIES B, A DELAWARE LIMITED PARTNERSHIP, AND RCHP SLP II, L.P., A DELAWARE LIMITED PARTNERSHIP, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF HOPKINS COURT ASSOCIATES, L.P., A NEW YORK LIMITED PARTNERSHIP, PLAINTIFFS-APPELLANTS, V HOPKINS COURT APARTMENTS, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, WHITNEY CAPITAL COMPANY, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, WHITNEY HOPKINS ASSOCIATES, A NEW YORK GENERAL PARTNERSHIP, CRS PROPERTIES, INC., A NEW YORK CORPORATION,

DEFENDANTS-RESPONDENTS, ET AL., DEFENDANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., LINDLEY, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (67/21) CA 20-00584. -- **BRYAN R. BAUM, PLAINTIFF-RESPONDENT, V JAVEN CONSTRUCTION CO., INC., DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: SMITH, J.P., LINDLEY, NEMOYER, CURRAN, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (87/21) CA 20-00548. -- **JESSICA KAMMERER, PLAINTIFF-APPELLANT, V LUIS ANGEL MERCADO, ET AL., DEFENDANTS, AND AUBURN BUFFALO REALTY LLC, DEFENDANT-RESPONDENT.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, NEMOYER, WINSLOW, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (157/21) CA 20-00665. -- **COUNTY OF ERIE, PLAINTIFF-APPELLANT, V GATEWAY-LONGVIEW, INC., ET AL., DEFENDANTS, AND PHILADELPHIA INSURANCE COMPANIES, DEFENDANT-RESPONDENT.** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., LINDLEY, CURRAN, BANNISTER, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (190/21) KA 18-00837. -- **THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MEMPHIS DELACRUZ, DEFENDANT-APPELLANT.** -- Motion for reargument denied. PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, LINDLEY, AND

TROUTMAN, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (222/21) CA 20-00127. -- JACQUELINE ABATE, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF DONALD ABATE, DECEASED, PLAINTIFF-RESPONDENT-APPELLANT, V COUNTY OF ERIE, ERIE COUNTY SHERIFF'S OFFICE, DEFENDANTS-APPELLANTS-RESPONDENTS, ET AL., DEFENDANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. Cross motion for reargument marked as withdrawn. PRESENT: SMITH, J.P., NEMOYER, CURRAN, BANNISTER, AND DEJOSEPH, JJ. (Filed Oct. 1, 2021.)

MOTION NO. (380/21) CA 20-01030. -- CARLY KNASZAK, PLAINTIFF-RESPONDENT, V HAMBURG CENTRAL SCHOOL DISTRICT, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. All concur except BANNISTER, J., who dissents and votes to grant leave to appeal to the Court of Appeals. PRESENT: CENTRA, J.P., PERADOTTO, TROUTMAN, WINSLOW, AND BANNISTER, JJ. (Filed Oct. 1, 2021.)