

MOTION NO. (1568/06) KA 05-00836. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DARRELL GUNN, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., LINDLEY, GREENWOOD, NOWAK, AND KEANE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (427/09) KA 08-00124. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RASHAD SCISSION, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: LINDLEY, J.P., MONTOUR, GREENWOOD, NOWAK, AND DELCONTE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (718/20) KA 15-01443. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHARLES E. JACKSON, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CURRAN, MONTOUR, DELCONTE, AND KEANE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (1060/20) KA 18-01067. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ERIC A. LYNCH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: LINDLEY, J.P., BANNISTER, MONTOUR, NOWAK, AND KEANE, JJ. (Filed Mar. 15, 2024.)

MOTION NOS. (33-34/23) OP 22-01275. -- IN THE MATTER OF HUNTLEY POWER, LLC, PETITIONER, V TOWN OF TONAWANDA, RESPONDENT. (PROCEEDING NO. 1.) OP 22-01460. -- IN THE MATTER OF HUNTLEY POWER, LLC, PETITIONER, V TOWN OF TONAWANDA, RESPONDENT. (PROCEEDING NO. 2.) -- Motion for leave to appeal

to the Court of Appeals denied. PRESENT: SMITH, J.P., LINDLEY, CURRAN, BANNISTER, AND MONTOUR, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (442/23) KA 20-00232. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V OMAR ORTIZ, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CURRAN, MONTOUR, OGDEN, AND KEANE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (505/23) OP 23-00057. -- IN THE MATTER OF NIAGARA FALLS REDEVELOPMENT, LLC, AND BLUE APPLE PROPERTIES INC., PETITIONERS, V THE CITY OF NIAGARA FALLS, RESPONDENT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., LINDLEY, CURRAN, MONTOUR, AND OGDEN, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (683/23) CA 22-01159. -- NEW YORK STATE LAW ENFORCEMENT OFFICERS UNION, COUNCIL 82, AFSCME, AFL-CIO, LOCAL 3471, STEVE VINE, AS PRESIDENT OF LOCAL 3471, RANDALL GRENIER, JR., AND DANIEL HICKEY, PLAINTIFFS-RESPONDENTS, V CITY OF GENEVA, DEFENDANT-RESPONDENT, ET AL., DEFENDANTS. JESSICA FARRELL, THERESA JOHNSON, CHARLES KING, AMARIS ELLIOTT-ENGEL, AHMAD WHITFIELD, WIL WOLF AND CARRIE CORRON, AS MEMBERS OF FORMER GENEVA POLICE REVIEW BOARD, PROPOSED-INTERVENORS DEFENDANTS-APPELLANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., LINDLEY, OGDEN, NOWAK,

AND DELCONTE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (702/23) CA 22-01720. -- SUSAN A. BAIRD, PLAINTIFF-RESPONDENT, V ROBERT M. BAIRD, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., MONTOUR, GREENWOOD, NOWAK, AND DELCONTE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (789.1/23) CA 23-00411. -- IN THE MATTER OF EDWARD SCHNEIDER, III, PETITIONER-APPELLANT, V TOWN OF EVANS, RESPONDENT-RESPONDENT. -- Motion for leave to renew, leave to reargue or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., LINDLEY, MONTOUR, GREENWOOD, AND DELCONTE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (809/23) CA 22-01580. -- K.O., PLAINTIFF-APPELLANT, V YMCA BUFFALO NIAGARA, DEFENDANT-RESPONDENT, ET AL., DEFENDANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., MONTOUR, OGDEN, AND NOWAK, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (810/23) CA 23-00124. -- IN THE MATTER OF PETER J. CEDRONE, PETITIONER-APPELLANT, V CITY OF FULTON ASSESSOR'S OFFICE, RESPONDENT-RESPONDENT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CURRAN, MONTOUR, OGDEN, AND NOWAK, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (826/23) CA 22-01943. -- KENT JEFFERY, PLAINTIFF-APPELLANT, V THE FAYETTEVILLE-MANLIUS CENTRAL SCHOOL DISTRICT, BOARD OF EDUCATION OF FAYETTEVILLE-MANLIUS CENTRAL SCHOOL DISTRICT, CRAIG J. TICE, SUPERINTENDENT OF FAYETTEVILLE-MANLIUS CENTRAL SCHOOL DISTRICT AND MARISSA JOY MIMS, VICE-PRESIDENT OF BOARD OF EDUCATION OF THE FAYETTEVILLE-MANLIUS CENTRAL SCHOOL DISTRICT, DEFENDANTS-RESPONDENTS. -- Motion for reargument or reconsideration denied. PRESENT: SMITH, J.P., BANNISTER, NOWAK, AND DELCONTE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (829/23) CA 22-01498. -- JOANNE C. LENTNER, PHILIP CARD AND MARILYN CARD, PLAINTIFFS-RESPONDENTS, V UPSTATE FORESTRY AND DEVELOPMENT, LLC, CHARLES NOWACK, DEFENDANTS-APPELLANTS, MCDONOUGH HARDWOODS, LTD., MCDONOUGH LUMBER COMPANY, MCDONOUGH LUMBER CORPORATION, JAMES MCDONOUGH, DANIEL MCDONOUGH, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. -- Motion for reargument denied. PRESENT: SMITH, J.P., BANNISTER, GREENWOOD, NOWAK, AND DELCONTE, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (914/23) CAF 22-01377. -- IN THE MATTER OF LANDIN F. -- ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; JODI G., RESPONDENT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., CURRAN, OGDEN, GREENWOOD, AND NOWAK, JJ. (Filed Mar. 15, 2024.)

MOTION NO. (943/23) CA 23-00600. -- CLOVER/ALLENS CREEK NEIGHBORHOOD ASSOCIATION LLC, SAVE MONROE AVE., INC., 2900 MONROE AVE., LLC, CLIFFORDS OF PITTSFORD, L.P., ELEXCO LAND SERVICES, INC., JULIA D. KOPP, MARK BOYLAN, ANNE BOYLAN, AND STEVEN M. DEPERRIOR, PLAINTIFFS-APPELLANTS, V M&F LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC, MARDANTH ENTERPRISES, INC., M&F, LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC, MARDANTH ENTERPRISES, INC., COLLECTIVELY DOING BUSINESS AS DANIELE FAMILY COMPANIES, TOWN OF BRIGHTON, TOWN BOARD OF THE TOWN OF BRIGHTON, NMS ALLENS CREEK INC., AND ROCHESTER GAS AND ELECTRIC COMPANY, DEFENDANTS-RESPONDENTS. (ACTION NO. 1.) SAVE MONROE AVE., INC., 2900 MONROE AVE., LLC, CLIFFORDS OF PITTSFORD, L.P., ELEXCO LAND SERVICES, INC., JULIA D. KOPP, MARK BOYLAN, ANNE BOYLAN, AND STEVEN M. DEPERRIOR, PLAINTIFFS-APPELLANTS, V TOWN OF BRIGHTON, TOWN BOARD OF THE TOWN OF BRIGHTON, TOWN OF BRIGHTON PLANNING BOARD, DANIELE MANAGEMENT, LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC, MARDANTH ENTERPRISES, INC., M&F, LLC, THE DANIELE FAMILY COMPANIES, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (ACTION NO. 2.) BRIGHTON GRASSROOTS, LLC, PLAINTIFF-APPELLANT, V TOWN OF BRIGHTON, TOWN OF BRIGHTON TOWN BOARD, TOWN OF BRIGHTON PLANNING BOARD, M&F, LLC, DANIELE SPC, LLC, MUCCA MUCCA LLC, MARDANTH ENTERPRISES, INC., DANIELE MANAGEMENT, LLC, COLLECTIVELY DOING BUSINESS AS DANIELE FAMILY COMPANIES, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. (ACTION NO. 3.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., BANNISTER, MONTOUR, AND NOWAK, JJ. (Filed Mar. 15,

2024.)

**MOTION NO. (989/23) CA 22-01667. -- 2006905 ONTARIO INC.,
PLAINTIFF-APPELLANT, V GOODRICH AEROSPACE CANADA, LTD., AND DINO SOAVE,
DEFENDANTS-RESPONDENTS.** -- Motion for leave to appeal to the Court of
Appeals denied. PRESENT: SMITH, J.P., CURRAN, MONTOUR, GREENWOOD, AND
NOWAK, JJ. (Filed Mar. 15, 2024.)

**KA 21-00418. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TERRY T.
IGLUS, DEFENDANT-APPELLANT.** -- Motion to dismiss appeal granted. Matter
remitted to Ontario County Court 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
Mar. 15, 2024.)

**KA 22-00990. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TESSA A.
SMITH, DEFENDANT-APPELLANT.** -- Motion to dismiss appeal granted. Matter
remitted to Ontario County Court 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
Mar. 15, 2024.)

**KA 22-00991. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TESSA A.
SMITH, DEFENDANT-APPELLANT.** -- Motion to dismiss appeal granted. Matter

remitted to Ontario County Court 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 Mar. 15, 2024.)

KA 23-00780. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ERNASTIAZE MOORE, 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 Seneca County Court, Barry L. Porsch, J. - Attempted Assault, 2nd Degree). PRESENT: WHALEN, P.J., LINDLEY, GREENWOOD, NOWAK, AND KEANE, JJ. (Filed Mar. 15, 2024.)