

MOTION NO. (525/19) KA 16-00756. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ISIAH GRAHAM, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND WINSLOW, JJ. (Filed Apr. 22, 2022.)

MOTION NO. (32/21) KA 18-01625. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DARRELL HARLOW, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., LINDLEY, CURRAN, WINSLOW, AND BANNISTER, JJ. (Filed Apr. 22, 2022.)

MOTION NO. (387/21) KA 19-00346. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER TUCKER, DEFENDANT-APPELLANT. -- Motion for reargument be and the same hereby is granted to the extent that, upon reargument, the memorandum and order entered June 17, 2021 (195 AD3d 1547 [4th Dept 2021]) is amended by deleting the seventh sentence of the fourth paragraph of the memorandum, and by deleting the fifth sentence of the fourth paragraph of the memorandum and substituting the following sentence in place of the fifth sentence of that paragraph:

Similarly, even assuming, arguendo, that the prosecutor made any arguments during summation that constituted a comment on defendant's prearrest silence (*cf. People v Clark*, 37 AD3d 487, 489 [2d Dept 2007], *lv denied* 9 NY3d 841 [2007]), we conclude that, viewing the prosecutor's "summation as a whole, those comments 'were not so pervasive or egregious as to deprive defendant of a fair trial' " (*People v Elmore*, 175 AD3d 1003, 1005 [4th Dept 2019], *lv denied* 34 NY3d 1158 [2020]; see *People v Babb*, 186 AD3d 1058, 1059 [4th Dept 2020], *lv denied* 36 NY3d 1049 [2021]; *People v Forde*, 140 AD3d 1085, 1086 [2d Dept 2016], *lv denied* 28 NY3d 929 [2016]).

PRESENT: SMITH, J.P., LINDLEY, CURRAN, AND BANNISTER, JJ. (Filed Apr. 22, 2022.)

MOTION NO. (846/21) CA 20-00627. -- BERNARD A. UNGER,
PLAINTIFF-APPELLANT-RESPONDENT, V MICHAEL GANCI,
DEFENDANT-RESPONDENT-APPELLANT. (APPEAL NO. 2.) -- Motion for reargument
or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J.,
SMITH, NEMOYER, AND CURRAN, JJ. (Filed Apr. 22, 2022.)

MOTION NOS. (901 & 906/21) KA 19-02116. -- THE PEOPLE OF THE STATE OF NEW
YORK, RESPONDENT, V JASON E. CATO, DEFENDANT-APPELLANT. (APPEAL NO. 1.)
KA 19-02117. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JASON E.
CATO, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for reargument
denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND BANNISTER,
JJ. (Filed Apr. 22, 2022.)

MOTION NO. (910/21) CAF 20-00966. -- IN THE MATTER OF GRAYSON R.V. -- ERIE
COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; JESSICA D.,
RAYMOND J., KIMBERLY K., RESPONDENTS-APPELLANTS, AND DAVID P., RESPONDENT.
(APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of
Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, AND BANNISTER,
JJ. (Filed Apr. 22, 2022.)

MOTION NO. (934/21) CA 20-00018. -- IN THE MATTER OF STEVEN L. SCHUNK AND JAMIE SCHUNK, CLAIMANTS-APPELLANTS, V TOWN OF YORK AND COUNTY OF LIVINGSTON, RESPONDENTS-RESPONDENTS. (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: WHALEN, P.J., CENTRA, LINDLEY, AND CURRAN, JJ. (Filed Apr. 22, 2022.)

MOTION NO. (965/21) CAF 19-01349. -- IN THE MATTER OF WAYNE COUNTY SUPPORT COLLECTION UNIT, ON BEHALF OF LAURIE FABI, PETITIONER-RESPONDENT, V JEFFREY WILLIAMS, SR., RESPONDENT-APPELLANT. -- Motion for reargument denied. PRESENT: WHALEN, P.J., SMITH, LINDLEY, AND CURRAN, JJ. (Filed Apr. 22, 2022.)

MOTION NOS. (1071-1072/21) CA 21-00246. -- IN THE MATTER OF CITY OF ROME, PETITIONER-APPELLANT-RESPONDENT, V BOARD OF ASSESSORS, ASSESSOR OF TOWN OF LEWIS, BOARD OF ASSESSMENT REVIEW, RESPONDENTS-RESPONDENTS-APPELLANTS, ADIRONDACK CENTRAL SCHOOL DISTRICT AND COUNTY OF LEWIS, INTERVENORS-RESPONDENTS-APPELLANTS. (APPEAL NO. 1.) CA 21-00944. -- IN THE MATTER OF CITY OF ROME, PETITIONER-APPELLANT-RESPONDENT, V BOARD OF ASSESSORS, ASSESSOR OF TOWN OF LEWIS, BOARD OF ASSESSMENT REVIEW, RESPONDENTS-RESPONDENTS-APPELLANTS, ADIRONDACK CENTRAL SCHOOL DISTRICT AND COUNTY OF LEWIS, INTERVENORS-RESPONDENTS-APPELLANTS. (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, AND BANNISTER, JJ. (Filed Apr.

22, 2022.)

MOTION NOS. (17-18/22) CA 21-01065. -- IN THE MATTER OF ARBITRATION BETWEEN ANDREW DEWOLF, PETITIONER-APPELLANT, V WAYNE COUNTY, RESPONDENT-RESPONDENT.

(APPEAL NO. 1.) CA 21-01069. -- IN THE MATTER OF ARBITRATION BETWEEN

ANDREW DEWOLF, PETITIONER-APPELLANT, V WAYNE COUNTY, RESPONDENT-RESPONDENT.

(APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of

Appeals denied. PRESENT: WHALEN, P.J., NEMOYER, CURRAN, WINSLOW, AND

BANNISTER, JJ. (Filed Apr. 22, 2022.)

MOTION NOS. (44-45/22) CA 21-00402. -- IN THE MATTER OF BERNICE

CURRY-MALCOLM, PETITIONER-APPELLANT, V NEW YORK STATE TEACHERS' RETIREMENT

SYSTEM, RESPONDENT, HONEOYE FALLS-LIMA CENTRAL SCHOOL DISTRICT,

RUSH-HENRIETTA CENTRAL SCHOOL DISTRICT, ROCHESTER CITY SCHOOL DISTRICT,

ASSOCIATION OF SUPERVISORS AND ADMINISTRATORS OF ROCHESTER, AND BROWN

HUTCHINSON LLP, RESPONDENTS-RESPONDENTS. (APPEAL NO. 1.) CA 21-00771. --

IN THE MATTER OF BERNICE CURRY-MALCOLM, PETITIONER-APPELLANT, V NEW YORK

STATE TEACHERS' RETIREMENT SYSTEM, RESPONDENT-RESPONDENT, ET AL.,

RESPONDENTS. (APPEAL NO. 2.) -- Motion for leave to appeal to the Court of

Appeals denied. PRESENT: CENTRA, J.P., NEMOYER, CURRAN, AND BANNISTER,

JJ. (Filed Apr. 22, 2022.)