

MOTION NO. (1102/98) KA 05-00507. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROY B. HIGHSMITH, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND VALENTINO, JJ. (Filed June 7, 2013.)

MOTION NO. (601/02) KA 00-01465. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DAVID MOSCA, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, LINDLEY, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (1573/07) KA 05-00983. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JAMES F. CAHILL, III, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, LINDLEY, AND SCONIERS, JJ. (Filed June 7, 2013.)

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: SCUDDER, P.J., SMITH, CENTRA, AND FAHEY, JJ. (Filed June 7, 2013.)

MOTION NO. (1209/08) KA 06-03133. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DION MAXWELL, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI,

LINDLEY, AND VALENTINO, JJ. (Filed June 7, 2013.)

**MOTION NO. (1143/09) KA 07-02575. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V WILLIE J. SINGLETON, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, AND SCONIERS, JJ. (Filed June 7, 2013.)

**MOTION NO. (1382/09) KA 05-01911. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JERMAINE BROWN, DEFENDANT-APPELLANT. (APPEAL NO. 1.)** -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, AND CARNI, JJ. (Filed June 7, 2013.)

**MOTION NO. (1383/09) KA 06-00458. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JERMAINE M. BROWN, DEFENDANT-APPELLANT. (APPEAL NO. 2.)** -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, FAHEY, AND CARNI, JJ. (Filed June 7, 2013.)

**MOTION NO. (368/11) KA 10-00061. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER MONROE, ALSO KNOWN AS LUV, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., FAHEY, CARNI, VALENTINO, AND WHALEN, JJ. (Filed June 7, 2013.)

**MOTION NO. (1066/11) KA 06-01663. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V EDWIN PEREZ, DEFENDANT-APPELLANT.** -- Motion for writ of error

coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, SCONIERS, AND WHALEN, JJ. (Filed June 7, 2013.)

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: SMITH, J.P., CENTRA, FAHEY, AND LINDLEY, JJ. (Filed June 7, 2013.)

MOTION NO. (971/12) TP 12-00005. -- IN THE MATTER OF WILLIAM B. JOHNSTON, PETITIONER-RESPONDENT, V GALEN D. KIRKLAND, COMMISSIONER, NEW YORK STATE DIVISION OF HUMAN RIGHTS, RESPONDENT-PETITIONER, SCOTT GEHL, HOUSING OPPORTUNITIES MADE EQUAL, INC., STEPHANIE M. GILLIAM, ERIC T. SCHNEIDERMAN, NEW YORK STATE ATTORNEY GENERAL, MAYOR BYRON W. BROWN AND ERIE COUNTY EXECUTIVE CHRISTOPHER C. COLLINS, RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, AND SCONIERS, JJ. (Filed June 7, 2013.)

MOTION NO. (1184/12) CA 12-00075. -- COUNTY OF ERIE, PLAINTIFF-RESPONDENT, V M/A-COM, INC., ET AL., DEFENDANTS, AND KEVIN J. COMERFORD, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for leave to appeal to the Court of Appeals granted. PRESENT: SCUDDER, P.J., CARNI, SCONIERS, VALENTINO, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (1190/12) CA 12-00076. -- COUNTY OF ERIE, PLAINTIFF-RESPONDENT,

V M/A-COM, INC., ET AL., DEFENDANTS, AND KEVIN J. COMERFORD,  
DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for leave to appeal to the  
Court of Appeals denied. PRESENT: SCUDDER, P.J., CARNI, SCONIERS,  
VALENTINO, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (1388/12) CA 11-02090. -- STEPHEN APPLEBEE, PLAINTIFF-APPELLANT,  
V COUNTY OF CAYUGA, DEFENDANT-RESPONDENT. COUNTY OF CAYUGA, THIRD-PARTY  
PLAINTIFF, V VILLAGE OF PORT BYRON, THIRD-PARTY DEFENDANT-RESPONDENT.  
(APPEAL NO. 1.) -- Motions for reargument denied. PRESENT: SMITH, J.P.,  
PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (1389/12) CA 11-02091. -- STEPHEN APPLEBEE, PLAINTIFF-APPELLANT,  
V COUNTY OF CAYUGA, DEFENDANT-RESPONDENT. COUNTY OF CAYUGA, THIRD-PARTY  
PLAINTIFF, V VILLAGE OF PORT BYRON, THIRD-PARTY DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.) -- Motions for reargument denied. PRESENT: SMITH, J.P.,  
PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (1466/12) CA 12-00809. -- RENEE SCIARA AND MATTHEW SCIARA,  
PLAINTIFFS-APPELLANTS-RESPONDENTS, V SURGICAL ASSOCIATES OF WESTERN NEW  
YORK, P.C. AND GEORGE BLESSIOS, M.D., DEFENDANTS-RESPONDENTS. USHA CHOPRA,  
M.D. AND FAGER & AMSLER, LLP, RESPONDENTS-APPELLANTS. (APPEAL NO. 1.) --  
Motion for leave to appeal to the Court of Appeals granted. PRESENT:  
SCUDDER, P.J., SMITH, FAHEY, AND CARNI, JJ. (Filed June 7, 2013.)

MOTION NO. (14/13) CA 12-01422. -- THOMAS M. SULLIVAN,  
PLAINTIFF-RESPONDENT, V TROSER MANAGEMENT, INC., DEFENDANT-APPELLANT. --  
Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI,  
LINDLEY, AND SCONIERS, JJ. (Filed June 7, 2013.)

MOTION NO. (19/13) CA 12-00861. -- RHONDA WILLIAMS, INDIVIDUALLY AND AS  
PARENT AND NATURAL GUARDIAN OF ALEXANDRA WILLIAMS, AN INFANT,  
PLAINTIFF-RESPONDENT, V SHARON T. WEATHERSTONE, DEFENDANT, AND  
JORDAN-ELBRIDGE CENTRAL SCHOOL DISTRICT, DEFENDANT-APPELLANT. -- Motion for  
reargument denied. Motion for leave to appeal to the Court of Appeals  
granted. PRESENT: SCUDDER, P.J., CENTRA, CARNI, LINDLEY, AND SCONIERS,  
JJ. (Filed June 7, 2013.)

MOTION NO. (38/13) CA 12-00803. -- TOWN OF AMHERST AND GRANITE STATE  
INSURANCE COMPANY, PLAINTIFFS-RESPONDENTS, V ARTHUR HILGER, SALLY BISHER,  
DEFENDANTS-APPELLANTS, AND AARON HILGER, DEFENDANT. (APPEAL NO. 2.) --  
Motion for reargument denied. PRESENT: SMITH, J.P., FAHEY, VALENTINO, AND  
WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (82/13) CA 12-01337. -- GEORGETOWN CAPITAL GROUP, INC. AND  
JOSEPH CURATOLO, PLAINTIFFS-RESPONDENTS, V EVEREST NATIONAL INSURANCE  
COMPANY, DEFENDANT-APPELLANT, AND ROYAL ALLIANCE ASSOCIATES, INC.,  
DEFENDANT. -- Motion for leave to appeal to the Court of Appeals denied.  
PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND VALENTINO, JJ.

(Filed June 7, 2013.)

**MOTION NO. (119/13) CA 12-01326. -- MARIA L. JAOUDE, PLAINTIFF-APPELLANT, V MATTHEW E. HANNAH, L.P. PARNASSOS AND RITA J. BIONDO, DEFENDANTS-RESPONDENTS. (APPEAL NO. 1.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, SCONIERS, AND WHALEN, JJ. (Filed June 7, 2013.)

**MOTION NO. (124/13) CA 11-02557. -- MARIA L. JAOUDE, PLAINTIFF-APPELLANT, V MATTHEW E. HANNAH, L.P. PARNASSOS AND RITA J. BIONDO, DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, SCONIERS, AND WHALEN, JJ. (Filed June 7, 2013.)

**MOTION NO. (181/13) CA 11-02507. -- NIESHA HAYNES, PLAINTIFF-APPELLANT, V KALEIDA HEALTH, CHILDREN'S HOSPITAL, KEVIN FITZPATRICK, M.D., AND MARGARET MULVIHILL, M.D., DEFENDANTS-RESPONDENTS.** -- Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, AND SCONIERS, JJ. (Filed June 7, 2013.)

**MOTION NO. (268/13) CA 12-01797. -- IN THE MATTER OF MERRY-GO-ROUND PLAYHOUSE, INC., PETITIONER-APPELLANT, V ASSESSOR OF CITY OF AUBURN, BOARD OF ASSESSMENT REVIEW OF CITY OF AUBURN, AND CITY OF AUBURN, RESPONDENTS-RESPONDENTS.** -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., FAHEY, SCONIERS, VALENTINO, AND

WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (288/13) CA 12-01484. -- JOHNNY WATSON, PLAINTIFF-APPELLANT, V SALVATORE PRIORE, ET AL., DEFENDANTS, STEVEN A. ABDOO AND PETER M. BOLOS, DEFENDANTS-RESPONDENTS. (APPEAL NO. 3.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (293/13) CA 12-00977. -- JOHNNY WATSON, PLAINTIFF-APPELLANT-RESPONDENT, V SALVATORE PRIORE, ET AL., DEFENDANTS, LIVINGSTON WESTON, DEFENDANT-RESPONDENT-APPELLANT, STEVEN A. ABDOO AND PETER M. BOLOS, DEFENDANTS-RESPONDENTS. (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (294/13) CA 12-00984. -- JOHNNY WATSON, PLAINTIFF-APPELLANT, V SALVATORE PRIORE, ET AL., DEFENDANTS, STEVEN A. ABDOO AND PETER M. BOLOS, DEFENDANTS-RESPONDENTS. (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, LINDLEY, AND WHALEN, JJ. (Filed June 7, 2013.)

MOTION NO. (346/13) KA 11-02603. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CHRISTOPHER SHARP, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO,

AND WHALEN, JJ. (Filed June 7, 2013.)

**MOTION NO. (351/13) CA 12-01192. -- JOSEPH C. HALE, PLAINTIFF-APPELLANT, V MEADOWOOD FARMS OF CAZENOVIA, LLC, MARC P. SCHAPPELL AND THOMAS B. ANDERSON, DEFENDANTS-RESPONDENTS. (APPEAL NO. 1.)** -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed June 7, 2013.)

**MOTION NO. (442/13) KA 10-00532. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V CLIFFORD GRAHAM, DEFENDANT-APPELLANT.** -- Motion for writ of error coram nobis denied. PRESENT: CENTRA, J.P., FAHEY, CARNI, AND WHALEN, JJ. (Filed June 7, 2013.)