

MOTION NO. (1806/98) KA 97-05046. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT C. HINTON, JR., DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (265/01) KA 98-05230. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V NORBERT JACKSON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, FAHEY, PERADOTTO, AND WHALEN, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1507/01) KA 98-05285. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHON LUCIUS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, CARNI, AND WHALEN, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1541/02) KA 00-01679. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT HINTON, DEFENDANT-APPELLANT. (APPEAL NO. 1.) -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1542/02) KA 00-00528. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V ROBERT HINTON, DEFENDANT-APPELLANT. (APPEAL NO. 2.) -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (390/11) KA 10-00665. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V RICKY L. WINTERS, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, AND LINDLEY, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (90/13) KA 11-00190. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MEL T. WILKINS, ALSO KNOWN AS MELZER WILKINS, ALSO KNOWN AS MELZEE WILKINS, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., FAHEY, LINDLEY, SCONIERS, AND VALENTINO, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1029/13) KA 09-02512. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V TYQUAN L. RIVERA, DEFENDANT-APPELLANT. -- Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1057/13) KA 11-02354. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JOHN COLE, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1060/13) CA 13-00705. -- LAURA HARDEN, PLAINTIFF-APPELLANT, V JAMES W. FAULK, M.D., DEFENDANT-RESPONDENT. -- Motion insofar as it seeks in the alternative leave to appeal to the Court of Appeals is denied and the motion insofar as it seeks leave to reargue is granted in part and,

upon reargument, the memorandum and order entered November 15, 2013 (111 AD3d 1380) is amended by deleting the first two sentences of the third paragraph of the memorandum and substituting the following in place thereof: "Contrary to plaintiff's further contention, the court properly denied her motion for a directed verdict at the close of proof. Sufficient conflicting factual and expert proof was presented at trial and, '[a]ccording defendant[] every favorable inference from the evidence, there was indeed a rational process by which the jury could find in [his] favor' (*Wolfe v St. Clare's Hosp. of Schenectady*, 57 AD3d 1124, 1126)." PRESENT: SCUDDER, P.J., SMITH, FAHEY, SCONIERS, AND VALENTINO, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1170/13) CA 12-01605. -- IN THE MATTER OF THE ESTATE OF ROBYN R. LEWIS, DECEASED. JAMES ROBERT SIMMONS, PETITIONER-RESPONDENT; MEREDITH M. STEWART, RONALD L. LEWIS, RONALD L. LEWIS, II, AND JONATHAN K. LEWIS, OBJECTANTS-APPELLANTS. (APPEAL NO. 1.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, LINDLEY, AND VALENTINO, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1171/13) CA 13-00497. -- IN THE MATTER OF THE ESTATE OF ROBYN R. LEWIS, DECEASED. JAMES ROBERT SIMMONS, PETITIONER-RESPONDENT; MEREDITH M. STEWART, RONALD L. LEWIS, RONALD L. LEWIS, II, AND JONATHAN K. LEWIS, OBJECTANTS-APPELLANTS. (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, LINDLEY, AND VALENTINO, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1172/13) CA 13-00498. -- IN THE MATTER OF THE ESTATE OF ROBYN R. LEWIS, DECEASED. JAMES ROBERT SIMMONS, PETITIONER-RESPONDENT; MEREDITH M. STEWART, RONALD L. LEWIS, RONALD L. LEWIS, II, AND JONATHAN K. LEWIS, OBJECTANTS-APPELLANTS. (APPEAL NO. 3.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, LINDLEY, AND VALENTINO, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1214/13) CA 13-00594. -- REMET CORPORATION, PLAINTIFF-RESPONDENT, V THE ESTATE OF JAMES R. PYNE, DECEASED, KATHERINE B. PYNE, INDIVIDUALLY AND AS THE EXECUTOR OF THE LAST WILL AND TESTAMENT OF JAMES R. PYNE AND AS TRUSTEE OF THE TRUST ESTABLISHED UNDER PARAGRAPH THIRD OF THE LAST WILL AND TESTAMENT OF JAMES R. PYNE, EDWARD R. WIEHL, AS EXECUTOR OF THE LAST WILL AND TESTAMENT OF JAMES R. PYNE AND AS TRUSTEE OF THE TRUST ESTABLISHED UNDER PARAGRAPH THIRD OF THE LAST WILL AND TESTAMENT OF JAMES R. PYNE, THE TRUST ESTABLISHED UNDER PARAGRAPH THIRD OF THE LAST WILL AND TESTAMENT OF JAMES R. PYNE, DEFENDANTS-APPELLANTS, ET AL., DEFENDANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1274/13) CA 12-00128. -- SUSAN GATELY, PLAINTIFF-RESPONDENT, V JAMES GATELY, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1281/13) CA 13-00845. -- ONE FLINT ST., LLC AND DHD VENTURES NEW YORK, LLC, PLAINTIFFS-APPELLANTS, V EXXON MOBIL CORPORATION, EXXONMOBIL OIL CORPORATION, DEFENDANTS-RESPONDENTS, ET AL., DEFENDANTS. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., SMITH, PERADOTTO, LINDLEY, AND SCONIERS, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1305/13) CA 13-01063. -- IN THE MATTER OF BATTAGLIA DEMOLITION, INC., BATTAGLIA TRUCKING, INC. AND PETER BATTAGLIA, PETITIONERS-APPELLANTS, V CITY OF BUFFALO, CITY OF BUFFALO COMMON COUNCIL, CITY OF BUFFALO DEPARTMENT OF ECONOMIC DEVELOPMENT, PERMIT & INSPECTION SERVICES, AND PATRICK SOLE, JR., AS DIRECTOR OF PERMIT & INSPECTION SERVICES, RESPONDENTS-RESPONDENTS. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, SCONIERS, AND WHALEN, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1306/13) CA 13-00807. -- CELESTE SWIETLIK, PLAINTIFF-RESPONDENT, V TOWN OF HAMBURG, DEFENDANT-APPELLANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, AND SCONIERS, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1322/13) CA 13-01038. -- MICHAEL J. DIFABIO, PLAINTIFF-RESPONDENT, V JAMES M. JORDAN, DEFENDANT-APPELLANT. -- Motion for leave to appeal to the Court of Appeals denied. PRESENT: SMITH, J.P., FAHEY, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed Mar. 21, 2014.)

MOTION NO. (1333/13) KA 12-01723. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V DERICK W. BARKER, DEFENDANT-APPELLANT. (APPEAL NO. 2.) --

Motion for reargument of the appeal is granted to the extent that, upon reargument, the memorandum and order entered January 3, 2014 (113 AD3d 1114) is amended by deleting the fourth sentence of the memorandum.

PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, CARNI, AND VALENTINO, JJ.

(Filed Mar. 21, 2014.)

KA 10-01154. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V SHAD R. DALCIN, DEFENDANT-APPELLANT. -- Resentence unanimously affirmed. Counsel's motion to be relieved of assignment granted (*see People v Crawford*, 71 AD2d 38 [1979]). (Appeal from Resentence of Livingston County Court, Dennis S. Cohen, J. - Burglary, 2nd Degree). PRESENT: SCUDDER, P.J., CENTRA, FAHEY, PERADOTTO, AND WHALEN, JJ. (Filed Mar. 21, 2014.)