

MOTION NO. (553/94) KA 11-01141. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V KENT A. KROEMER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., SMITH, CENTRA, PERADOTTO, AND LINDLEY, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (286/02) KA 97-05362. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL SPIRLES, DEFENDANT-APPELLANT. -- Motions for writ of error coram nobis denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, WHALEN, AND DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (69/13) KA 11-01222. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL WHITE, ALSO KNOWN AS MICHAEL BREWER, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1006/13) KA 11-02320. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V GREGORY A. JONES, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SMITH, J.P., CENTRA, PERADOTTO, VALENTINO, AND WHALEN, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1220/13) KA 11-00574. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V MICHAEL WILSON, DEFENDANT-APPELLANT. -- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, LINDLEY,

VALENTINO, AND WHALEN, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (191/14) KA 05-01611. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V CLARENCE MILLER, DEFENDANT-APPELLANT. -- Motion for writ of
error coram nobis denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO,
LINDLEY, AND WHALEN, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (933/14) KA 12-01069. -- THE PEOPLE OF THE STATE OF NEW YORK,
RESPONDENT, V CLARENCE E. SCARVER, ALSO KNOWN AS "C," DEFENDANT-APPELLANT.
-- Motion for writ of error coram nobis denied. PRESENT: SCUDDER, P.J.,
CENTRA, CARNI, LINDLEY, AND WHALEN, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (955/15) CA 15-00234. -- RONALD KIMBALL, JR.,
PLAINTIFF-APPELLANT, V LAWRENCE E. NORMANDEAU, JR., RONALD MATTESON, DONNA
MATTESON, MICHELLE T. NORMANDEAU AND WILLIAM MARONEY,
DEFENDANTS-RESPONDENTS. -- Motion for reargument or leave to appeal to the
Court of Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, VALENTINO,
AND DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (955/15) CA 15-00234. -- RONALD KIMBALL, JR.,
PLAINTIFF-APPELLANT, V LAWRENCE E. NORMANDEAU, JR., RONALD MATTESON, DONNA
MATTESON, MICHELLE T. NORMANDEAU AND WILLIAM MARONEY,
DEFENDANTS-RESPONDENTS. -- Motion for leave to appeal to the Court of

Appeals denied. PRESENT: SMITH, J.P., CARNI, LINDLEY, VALENTINO, AND DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1009/15) CA 15-00392. -- TODD T. POHLMAN AND TMAC HOLDINGS, LLC, PLAINTIFFS-RESPONDENTS, V MICHAEL R. MADIA, JOSEPH J. MADIA, DEFENDANTS-APPELLANTS, ET AL., DEFENDANT. -- Motion insofar as it seeks leave to reargue is granted to the extent that, upon reargument, the memorandum and order entered October 9, 2015 (132 AD3d 1370) is amended by deleting the words "Grand Island" from the first sentence of the first paragraph of the memorandum and substituting in place thereof the words "Michigan Avenue in the City of Buffalo"; and motion insofar as it seeks in the alternative leave to appeal to the Court of Appeals is denied.

PRESENT: SCUDDER, P.J., SMITH, LINDLEY, VALENTINO, AND WHALEN, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1023/15) CAF 14-01469. -- IN THE MATTER OF KEVIN BLAIR, PETITIONER-APPELLANT, V CRYSTAL DIGREGORIO, RESPONDENT-RESPONDENT. -- Motion for reargument denied. PRESENT: CENTRA, J.P., PERADOTTO, CARNI, WHALEN, AND DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1051/15) CA 14-02062. -- ERIE MATERIALS, INC., PLAINTIFF-RESPONDENT, V CENTRAL CITY ROOFING CO., INC., DEFENDANT-APPELLANT, AND JAMES T. PIPINES, DEFENDANT. -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT:

SCUDDER, P.J., SMITH, LINDLEY, AND DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1052/15) CA 15-00118. -- DONNOVAN CRUTCHFIELD,
PLAINTIFF-APPELLANT, V BRIAN JONES, POWER & CONSTRUCTION GROUP, INC., AND
LIVINGSTON ASSOCIATES, INC., DEFENDANTS-RESPONDENTS. -- Motion for
reargument denied. PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND
DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1067/15) CA 14-02111. -- JOANN ABBO-BRADLEY, INDIVIDUALLY AND
AS PARENT AND NATURAL GUARDIAN OF DYLAN J. BRADLEY, TREVOR A. BRADLEY AND
CHASE Q. BRADLEY, INFANTS, ZACHARY HERR AND MELANIE HERR, INDIVIDUALLY AND
AS PARENTS AND NATURAL GUARDIANS OF COLETON HERR AND HEATHER HERR, INFANTS,
AND NATHAN E. KORSON AND ELENA KORSON, INDIVIDUALLY AND AS PARENTS AND
NATURAL GUARDIANS OF LOGAN J. KORSON, AN INFANT,
PLAINTIFFS-APPELLANTS-RESPONDENTS, V CITY OF NIAGARA FALLS, GLENN SPRINGS
HOLDINGS, INC., GROSS PHC LLC, MILLER SPRINGS REMEDIATION MANAGEMENT, INC.,
OXY, INC., FORMERLY KNOWN AS OCCIDENTAL CHEMICAL CORPORATION, INDIVIDUALLY
AND AS SUCCESSOR IN INTEREST TO HOOKER CHEMICALS AND PLASTICS CORPORATION,
OP-TECH ENVIRONMENTAL SERVICES, DEFENDANTS-RESPONDENTS-APPELLANTS, ROY'S
PLUMBING, INC., DEFENDANT-RESPONDENT, SCOTT LAWN YARD, INC.,
DEFENDANT-RESPONDENT-APPELLANT, ET AL., DEFENDANTS. (APPEAL NO. 1.) --
Motions for reargument or leave to appeal to the Court of Appeals denied.
PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND VALENTINO, JJ.

(Filed Dec. 23, 2015.)

MOTION NO. (1068/15) CA 14-02112. -- JOANN ABBO-BRADLEY, INDIVIDUALLY AND AS PARENT AND NATURAL GUARDIAN OF DYLAN J. BRADLEY, TREVOR A. BRADLEY AND CHASE Q. BRADLEY, INFANTS, ZACHARY HERR AND MELANIE HERR, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF COLETON HERR AND HEATHER HERR, INFANTS, AND NATHAN E. KORSON AND ELENA KORSON, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF LOGAN J. KORSON, AN INFANT, PLAINTIFFS-APPELLANTS, V CITY OF NIAGARA FALLS, ET AL., DEFENDANTS, AND SEVENSON ENVIRONMENTAL SERVICES, INC., DEFENDANT-RESPONDENT. (APPEAL NO. 2.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND VALENTINO, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1069/15) CA 14-02113. -- JOANN ABBO-BRADLEY, INDIVIDUALLY AND AS PARENT AND NATURAL GUARDIAN OF DYLAN J. BRADLEY, TREVOR A. BRADLEY AND CHASE Q. BRADLEY, INFANTS, ZACHARY HERR AND MELANIE HERR, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF COLETON HERR AND HEATHER HERR, INFANTS, AND NATHAN E. KORSON AND ELENA KORSON, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF LOGAN J. KORSON, AN INFANT, PLAINTIFFS-APPELLANTS, V CITY OF NIAGARA FALLS, ET AL., DEFENDANTS, AND CONESTOGA-ROVERS & ASSOCIATES, DEFENDANT-RESPONDENT. (APPEAL NO. 3.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER,

P.J., CENTRA, PERADOTTO, LINDLEY, AND VALENTINO, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1070/15) CA 14-02114. -- JOANN ABBO-BRADLEY, INDIVIDUALLY AND AS PARENT AND NATURAL GUARDIAN OF DYLAN J. BRADLEY, TREVOR A. BRADLEY AND CHASE Q. BRADLEY, INFANTS, ZACHARY HERR AND MELANIE HERR, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF COLETON HERR AND HEATHER HERR, INFANTS, AND NATHAN E. KORSON AND ELENA KORSON, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF LOGAN J. KORSON, AN INFANT, PLAINTIFFS-APPELLANTS, V CITY OF NIAGARA FALLS, ET AL., DEFENDANTS, AND CECOS INTERNATIONAL, INC., DEFENDANT-RESPONDENT. (APPEAL NO. 4.) -- Motion for reargument or leave to appeal to the Court of Appeals denied. PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, LINDLEY, AND VALENTINO, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1094/15) CA 15-00286. -- STEFKA FERREL, PLAINTIFF-RESPONDENT, V CHRISTOPHER J. FERREL, DEFENDANT-APPELLANT. CHRISTOPHER J. FERREL, THIRD-PARTY PLAINTIFF-APPELLANT, V ANDREW FERREL, THIRD-PARTY DEFENDANT-RESPONDENT. -- Motion for reargument denied. PRESENT: SMITH, J.P., CENTRA, VALENTINO, WHALEN, AND DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

MOTION NO. (1171/15) CA 15-00035. -- IN THE MATTER OF ROBERT REED, PETITIONER-APPELLANT, V ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND CHRISTOPHER MOSS, CHEMUNG COUNTY SHERIFF, RESPONDENTS-RESPONDENTS. (APPEAL NO. 2.) --

Motion for reargument denied. PRESENT: SCUDDER, P.J., CENTRA, CARNI, WHALEN, AND DEJOSEPH, JJ. (Filed Dec. 23, 2015.)

KA 13-02039. -- THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, V JASON J. ALEJANDRO, ALSO KNOWN AS JASON GINTHER, DEFENDANT-APPELLANT. -- Motion to dismiss granted. Memorandum: The matter is remitted to Erie County Court to vacate the judgment of conviction and dismiss the indictment either sua sponte or on application of either the District Attorney or the counsel for defendant (*see People v Matteson*, 75 NY2d 745). PRESENT: SCUDDER, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ. (Filed Dec. 23, 2015.)