

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

THE LANDMARKS SOCIETY OF GREATER UTICA,
JOSEPH BOTTINI, #NOHOSPITALDOWNTOWN, BRETT
B. TRUETT, JAMES BROCK, JR., FRANK
MONTECALVO, JOSEPH CERINI, AND O'BRIEN
PLUMBING & HEATING SUPPLY, a division of ROME
PLUMBING AND HEATING SUPPLY CO. INC.,

**NOTICE OF MOTION
TO DISMISS**

Index No. 02797-19

Petitioners-Plaintiffs

For a Judgment pursuant to Article 78 and Section 3001 of the
Civil Practice Laws and Rules,

against-

PLANNING BOARD OF THE CITY OF UTICA, NEW
YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION, ERIK KULLESEID, ACTING
COMMISSIONER, DORMITORY AUTHORITY OF THE
STATE OF NEW YORK AND MOHAWK VALLEY
HEALTH SYSTEM,

Respondents-Defendants.

MOTION BY:	Respondent-Defendant MOHAWK VALLEY HEALTH SYSTEM
DATE, TIME AND PLACE OF HEARING:	June 21, 2019, at 9:30 a.m. at the Albany County Supreme Court, Albany County Courthouse, Room 102, 16 Eagle Street, Albany, New York 12207
SUPPORTING PAPERS:	Affirmation of Kathleen M. Bennett, dated June 12, 2019, and exhibits attached, Respondent/Defendant's Memorandum of Law
RELIEF DEMANDED AND GROUNDS THEREFOR:	Dismissal of the Petition/Complaint pursuant to CPLR §§ 7804(f), 3211(a)(1), and 3211(a)(2) as against Respondent Mohawk Valley Health System.
ANSWERING AFFIDAVITS:	By stipulation, Petitioners/Plaintiffs' responding papers, if any, shall be served on or before June 19, 2019.

Dated: June 12, 2019

BOND, SCHOENECK & KING, PLLC

By: 

Kathleen M. Bennett, Esq.

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