

**STATE OF NEW YORK
SUPREME COURT**

COUNTY OF ALBANY

THE LANDMARKS SOCIETY OF GREATER
UTICA, JOSEPH BOTTINI,
#NOHOSPITALDOWNTON, 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.,

PETITIONERS-PLAINTIFFS,

-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.

NOTICE OF MOTION

INDEX NO. 02797-19
RJI No.

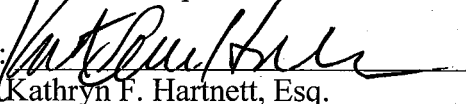
PLEASE TAKE NOTICE that upon the attached affidavit of Kathryn F. Hartnett, Esq.,
sworn to on June 12, 2019, and the exhibits attached thereto, the Affidavit of Brian Thomas,
sworn to on June 12, 2019 and upon all the pleadings and proceedings in this case to date,
Respondent Planning Board of the City of Utica will move this Court at the Albany County
Courthouse, located at 16 Eagle Street on the 21st day of June, 2019 at 9:30 a.m. or as soon
thereafter as counsel can be heard, for an order pursuant to New York Civil Practice Laws and
Rules Section 3211(a) and 7804(f) dismissing the Petition-Complaint, and for such other and
further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that responsive papers, if any, are required to be served upon the undersigned by June 19, 2019.

Dated: Utica, New York
June 12, 2019

Respectfully Submitted,

Office of the Corporation Counsel

By: 
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