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CITY OF UTICA

OFFICE OF THE CORPORATION COUNSEL

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JOHN P. ORILIO
DAVID A. LONGERETTA
CHARLES N. BROWN

December 31, 2019

Thomas S. West, Esq.
Cindy M. Monaco, Esq.
677 Broadway-8th Floor
Albany, New York 12207

Kathleen Bennett, Esq.
Bond, Schoeneck & King
1656 Champlin Avenue
Utica, New York 13502

Re: The Landmarks Society of Greater Utica, et al v. Planning Board of the City of Utica, et al
Index: 02797-19
Our File: 19-82

Counsel:

Enclosed is a Demand for Change Place of Trial and a Consent to Change Place of Trial. I thank you for your kind attention to the enclosed.

Sincerely,

Kathryn F. Hartnett, Esq.

KFH/tam

Enclosures

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.,

**DEMAND TO CHANGE
PLACE OF TRIAL**

PETITIONERS,

-against-

INDEX NO. 02797-19

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.

PLEASE TAKE NOTICE that pursuant to CPLR 511, the Respondent Planning Board of the City of Utica demands that the place of trial of this action be changed from the County of Albany in which it has been improperly placed, to a proper County, the County of Oneida, pursuant to CPLR 504(2) and 506(b).

Dated: Utica, New York
December 31, 2019

Respectfully Submitted,

Office of the Corporation Counsel

By: 
Kathryn F. Hartnett, Esq.

Attorney for Respondent
Planning Board of the City of Utica
1 Kennedy Plaza
Utica, New York 13502
ph. (315) 792-0171

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,

-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.

**CONSENT TO CHANGE
PLACE OF TRIAL**

INDEX NO. 02797-19

PLEASE TAKE NOTICE that, upon service by the Respondent Planning Board of the City of Utica of a demand for change of place of trial of this action, the Petitioners consent that the place of trial of this action be changed from the County of Albany to the County of Oneida.

Dated: Utica, New York
December 31, 2019

Respectfully Submitted,

Office of the Corporation Counsel

By: 

Kathryn F. Hartnett, Esq.

Attorney for Respondent

Planning Board of the City of Utica
1 Kennedy Plaza

Utica, New York 13502
ph. (315) 792-0171

Dated:

Respectfully Submitted,

By: _____
Thomas S. West, Esq.
Cindy M. Monaco, Esq.
Attorneys for Petitioner
677 Broadway-8th Floor
Albany, New York 12207

Dated:

Respectfully Submitted,

BOND, SCHOENECK & KING

By: _____
Kathleen Bennett, Esq.
Attorney for Respondent
Mohawk Valley Health System
One Lincoln Center
110 West Fayette Street
Syracuse, New York 13202-1355

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.,

**AFFIDAVIT OF
SERVICE**

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.

STATE OF NEW YORK)

ss:

COUNTY OF ONEIDA)

I, Kathryn F. Hartnett, Esq., being duly sworn, deposes and says:

1. I am not a party to this action, I am over 18 years of age and reside in Utica, New York.
2. On the 31st day of December, 2019, I served the Demand to Change Place of Trial and Consent to Change Place of Trial on:

Thomas S. West, Esq.
Cindy M. Monaco, Esq.
677 Broadway-8th Floor
Albany, New York 12207

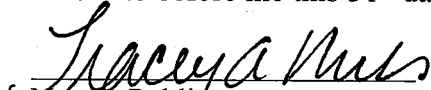
Kathleen Bennett, Esq.

Bond, Schoeneck & King
1656 Champlin Avenue
Utica, New York 13502

The addresses being designated by for that purpose by depositing same enclosed in a postpaid, properly addressed wrapper, in an official depository of the United States Postal Service within the State of New York.


Kathryn F. Hartnett, Esq.

Sworn to before me this 31st day of December, 2019


Notary Public

