

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.,

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.

NOTICE OF MOTION
TO STRIKE AFFIDAVIT AND
EXHIBITS OF MINICOZZI

Index No. 02797-19

Hon. Michael Mackey

MOTION BY:

Respondent-Defendant MOHAWK VALLEY
HEALTH SYSTEM

**DATE, TIME AND PLACE OF
HEARING:**

February 28, 2020, 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 Bennett, Esq. and
Memorandum of Law

**RELIEF DEMANDED AND GROUNDS
THEREFOR:**

Strike affidavit and exhibits of Josphe Minicozzi
from the proceeding record before the Court because
they were not part of the administrative record

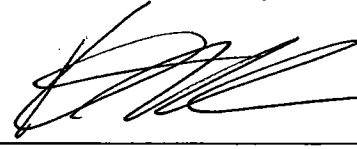
ANSWERING AFFIDAVITS:

Petitioners/Plaintiffs' responding papers, if any, shall
be served on or before February 21, 2020.

Dated: February 14, 2020

Respondent Mohawk Valley Health System

By: _____



Kathleen M. Bennett, Esq.
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