

**SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: THIRD JUDICIAL DEPARTMENT**

THE LANDMARKS SOCIETY OF GREATER UTICA,
JOESEPH 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 CROSS MOTION

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 based upon the accompanying Affirmation of Thomas S. West, Esq., dated February 5, 2020, and the exhibits annexed thereto, and upon prior papers filed in this court in opposition to the Motion for Leave to Appeal with Stay filed by Respondent, Mohawk Valley Health System, the Petitioners will move this Court for an Order:

1. Pursuant to Section 5701 (c) of the Civil Practice Law and Rules ("CPLR"), for permission to appeal from so much of the Decision and Order of the Supreme Court, Albany County, entered on December 26, 2019, that dismissed the Petitioners' Sixth Claim for Relief; and

2. For such other and further relief as to this Court may seem just, equitable and proper.

DATED: Albany, New York
February 5, 2020

Respectfully submitted,

THE WEST FIRM, PLLC

By: _____

Thomas S. West, Esq. and
Cindy M. Monaco, Esq.

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