

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

DOCKET NO. CA 18-00648

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, LINDLEY, AND TROUTMAN, JJ.

IN THE MATTER OF SIERRA CLUB, COMMITTEE TO PRESERVE THE
FINGER LAKES BY AND IN THE NAME OF PETER GAMBA, ITS
PRESIDENT, AND COALITION TO PROTECT NEW YORK, BY AND IN THE
NAME OF KATHRYN BARTHOLOMEW, ITS TREASURER,
PETITIONERS-APPELLANTS,

V

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
BASIL SEGGOS, COMMISSIONER, GREENIDGE GENERATION, LLC,
GREENIDGE PIPELINE, LLC, GREENIDGE PIPELINE PROPERTIES
CORPORATION AND LOCKWOOD HILLS, LLC,
RESPONDENTS-RESPONDENTS.

Respondents Greenidge Generation, LLC, Greenidge Pipeline, LLC, Greenidge Pipeline Properties Corporation, and Lockwood Hills, LLC having moved to dismiss the appeal taken herein from an order and judgment of the Supreme Court entered in the Office of the Clerk of the County of Yates on June 20, 2017, on the ground that the appeal is moot, and petitioners having moved for temporary injunctive relief,

Now, upon reading and filing the affirmations of Yvonne E. Hennessey, Esq., dated June 22, 2018, and July 13, 2018, the affidavit of Dale Irwin sworn to July 12, 2018, the affirmation of Rachel Treichler, Esq., dated July 6, 2018, the notices of motion with proof of service thereof, and the affirmations of Claiborne E. Walthall, Esq., dated June 27, 2018, and July 12, 2018, and due deliberation having been had thereon,

It is hereby ORDERED that the moving respondents' motion insofar as it seeks to dismiss the proceeding as moot is denied without prejudice and leave to renew any arguments in support of or in opposition to the motion at oral argument, and

It is further ORDERED that petitioners' motion insofar as it seeks temporary injunctive relief is denied.

Entered: September 6, 2018

MARK W. BENNETT, Clerk

**Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.**



I, MARK W. BENNETT, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original order, now on file in this office.



*IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the seal of said Court at the City
of Rochester, New York, this* **SEP 06 2018**

Clerk