

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FOURTH DEPARTMENT

In the Matter of the Application 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,

For a Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules

-against-

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.

**NOTICE OF MOTION TO
DISMISS APPEAL**

Docket No. CA 18-00648

Yates County Supreme Court
Index No. 2016-0165

PLEASE TAKE NOTICE:

MOTION BY:

BARCLAY DAMON LLP

*Attorneys for Respondents-Respondents
Greenidge Generation, LLC, Greenidge
Pipeline, LLC, Greenidge Pipeline
Properties Corporation and Lockwood
Hills, LLC*

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Telephone: (518) 429-4293

DATE, TIME & PLACE:

July 2, 2018 — 10:00 a.m., on submission
Appellate Division, Fourth Department
Rochester, New York

SUPPORTING PAPERS:

Affirmation of Yvonne E. Hennessey, Esq.,
dated June 22, 2018, Affidavit of Dale
Irwin, dated June 21, 2018 with exhibits

FILED
2018 JUN 22 PM 2:14
APPELLATE DIVISION
FOURTH DEPARTMENT

annexed thereto and Memorandum of Law dated June 22, 2018.

RELIEF DEMANDED:

An Order dismissing the Petitioners' Appeal in its entirety and with prejudice on mootness grounds.

RESPONDING PAPERS:

Answering papers, if any, shall be served no later than 5:00 P.M. on the Friday preceding the return date, in accordance with 22 NYCRR 1000.13.

GROUNDS FOR RELIEF:

CPLR § 3211(a)(2), 22 N.Y.C.R.R. § 1000.18(c).

DATED: June 22, 2018

BARCLAY DAMON LLP

By: 
Yvonne E. Hennessey

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