Appellate Division Docket No. CA 13-01558
Steuben County Clerk's Index No. 2012-0810

Court of Appeals

of the

State of New York

In the Matter of the Application of the SIERRA CLUB; PEOPLE FOR A HEALTHY ENVIRONMENT, INC.; COALITION TO PROTECT NEW YORK; JOHN MARVIN; THERESE FINNERAN; MICHAEL FINNERAN; VIRGINIA HAUFF; and JEAN WOSINSKI,

Petitioners,

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

– against –

THE VILLAGE OF PAINTED POST; PAINTED POST DEVELOPMENT, LLC; SWEPI, LP; and the WELLSBORO AND CORNING RAILROAD, LLC,

Respondents.

STATEMENT IN OPPOSITION TO MOTION FOR LEAVE TO APPEAL

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SUMMARY OF ARGUMENT

Respondents, the Village of Painted Post (the "Village"), Painted Post Development, LLC, and SWEPI, LP ("SWEPI") (collectively, "Respondents") oppose the motion for leave to appeal to the Court of Appeals filed by Petitioners Sierra Club, People for a Healthy Environment, Inc., Coalition to Protect New York, John Marvin, Therese Finneran, Michael Finneran, Virginia Hauff and Jean Wosinski (collectively, "Petitioners") on the grounds that the Fourth Department's decision in this case correctly applied this Court's precedent governing standing in cases under the New York State Environmental Quality Review Act ("SEQRA"). Based on the well-established principles of law governing standing in SEQRA cases as established by this Court in *Socy. of the Plastics Indus., Inc. v County of Suffolk*, 77 NY2d 761 (1991), the Fourth Department correctly held that Petitioners failed to demonstrate an injury different in kind and degree from the public at large (*see Sierra Club v Village of Painted Post*, 115 AD3d 1310, 1312 [4th Dept 2014]).

In their motion for leave to appeal, Petitioners focus their arguments on the merits of the SEQRA review, asserting that the SEQRA review undertaken by the Village in connection with the construction and operation of a transloading facility (the "Transloading Facility") to load surplus water onto rail cars for transport is of great public importance. But these issues are irrelevant because Petitioners failed

to establish standing to maintain this proceeding. Standing is a threshold determination that must be made prior to reaching the merits of this case, which Petitioners have, without question, failed to establish based on the Record in this case. That an issue may be one of public concern does not entitle Petitioners to standing.

In this regard, Petitioners assert that the Court "needs to provide clarification concerning the 'injury different than the public at large' requirement . . ." (*see* Pet.'s Motion at 18). The Fourth Department, however, based its holding not on an unsettled point of law, but on Petitioners' failure to set forth any facts in the Record establishing that Petitioner John Marvin ("Petitioner Marvin") suffered an injury from train noise that is in some way different from that of the public at large (*see Sierra Club*, 115 AD3d at 1312). The Fourth Department determined the threshold issue of standing is based solely upon the facts, which establish that Petitioner Marvin's claim of standing was based on noise from a train that runs through the entire Village of Painted Post (R. 432). Petitioners make no attempt to address the clear deficiency of the proof on standing contained in the Record. Clearly, this issue does not warrant review by this Court.

Petitioners also rely on Petitioner Marvin's alleged proximity to the Transloading Facility to support their argument that New York courts have issued contradictory decisions concerning whether the "proximity exception" applied

by this Court in zoning cases also applies in SEQRA cases (*see* Pet.'s Motion at 13-18). Petitioners, however, failed to allege that Petitioner Marvin's proximity to the Transloading Facility was the basis for his complaint of injury. Petitioners failed to articulate any specific harm that Petitioner Marvin would suffer based on his proximity to the Transloading Facility or that the Transloading Facility otherwise had anything to do with the train noise he heard. In fact, Petitioners conceded in their brief filed with the Fourth Department that "[t]he issue complained of in this case is not the construction of the water loading facility" (*see* Pet.'s Br. at 20). Accordingly, the Fourth Department correctly determined based on the Record that "we are dealing with the noise of a train that moves throughout the entire Village, as opposed to the stationary noise of the transloading facility" (*see Sierra Club*, 115 AD3d at 1312-13).

In any event, there is no such conflict among the departments of the Appellate Division concerning the presumption of standing in SEQRA cases based on proximity to the project site. The law is well-settled that when no zoning-related issue is involved, there is no presumption of standing to raise a SEQRA challenge based on proximity alone. Since this case does not involve a zoning issue, Petitioners are not entitled to any presumption that they have suffered harm. None of the cases cited by Petitioners stand for the proposition that proximity alone applies in non-zoning cases. Instead, this Court's precedent, as

consistently applied by the Appellate Division, requires that a petitioner establish a particularized injury different from the public at large, which Petitioners failed to establish in this case.

Simply stated, the law governing standing in a SEQRA case does not require clarification by this Court. This Court, as recently as 2014, has re-affirmed the requirement that a petitioner "must show that it would suffer direct harm, injury that is in some way different from that of the public at large" (*see Matter of Assn. for a Better Long Island, Inc. v New York State Dept. of Environmental Conservation*, 23 NY3d 1, 6 [2014]; *accord Save the Pine Bush, Inc. v Common Council of the City of Albany*, 13 NY3d 297, 304-06 [2009]; *Socy. of Plastics*, 77 NY2d at 778). This requirement has been uniformly applied by New York courts. The Fourth Department in this case correctly applied the law as laid down by this Court, holding based on the facts in the Record that Petitioners failed to meet the burden of establishing an injury different from the public at large.

Because Petitioners have failed to demonstrate standing, the merits of this case are irrelevant. However, should this Court decide to review the merits of this case, there are no novel issues or issues of public importance associated with the construction and operation of the Transloading Facility or the sale of surplus water by the Village. The Record reflects that Petitioners conducted an appropriate SEQRA review, took the requisite hard look at the potential impacts associated

with the Transloading Facility, and issued its determination in accordance with requirements of SEQRA. The Village's sale of surplus water was approved by the Susquehanna River Basin Commission, the agency charged with issuing such approvals, and Petitioners never challenged its approvals. Further, the Village's wells were previously permitted (and have been in operation for over 50 years) at a water production capacity well in excess of the amount necessary to supply the residents of the Village. Because the questions presented by Petitioners are neither novel or of public importance, nor do they conflict with other case law, Petitioners' motion for leave to appeal should be denied.

ARGUMENT

POINT I

THIS CASE DOES NOT MERIT REVIEW BY THE COURT OF APPEALS BECAUSE THE FOURTH DEPARTMENT'S DECISION RELIED ON WELL-SETTLED LAW GOVERNING STANDING IN SEQRA CASES AND PETITIONERS FAILED TO MEET THEIR BURDEN OF PROOF ESTABLISHING STANDING.

A. The Fourth Department correctly applied this Court's precedent governing standing in SEQRA cases in holding that Petitioners failed to demonstrate an injury different from the public at large.

The lack of merit to Petitioners' motion is readily apparent from reviewing the Statement of Questions Presented, which fail to meet the criteria set forth in Rule 500.22(b)(4) because they raise issues that are neither novel or of public

importance, nor conflict with other case law. In fact, Petitioners' contention that the Fourth Department "misapprehended the law" concerning standing in SEQRA cases completely undermines the argument that there is an unsettled question of law that merits review by the Court of Appeals. If, as claimed by Petitioners, the Fourth Department misapprehended the law, then there is no issue which requires clarification by the Court of Appeals.

Contrary to Petitioners' contention, this case does not provide an opportunity to clarify the requirement of this Court that a petitioner must establish an "injury different from the public at large" in order to demonstrate standing (*see* Pet.'s Motion at 12) because Petitioners' standing failed based on the Record. Petitioners conceded that the trial court properly rejected every conceivable basis for standing alleged by Petitioners by not raising any argument to the contrary before the Fourth Department, leaving it to determine only whether Petitioner Marvin's complaint of noise from a train running through the entire Village of Painted Post was sufficient to establish standing. The Fourth Department resolved this issue by holding based on the Record that Petitioners did not prove that they suffered an "injury . . . different from that of the public at large" as this Court's decisions require (*see Matter of Assn. for Better Long Island, Inc.*, 23 NY3d at 6; *Save the Pine Bush, Inc.*, 13 NY3d at 304-06; *Socy. of Plastics*, 77 NY2d at 778).

In particular, the only evidence in the Record concerning Petitioner Marvin hearing train noise consists of two paragraphs in his Affidavit, which provide as follows:

> 15. Beginning in mid-August and continuing through mid-September, I heard train noises frequently, sometimes every night. I heard either the train whistle or the diesel engines themselves or both. The noise was so loud it woke me up and kept me awake repeatedly during that period. . . .
>
> 16. The noise was much louder than the noise from other trains that run through the village. I am concerned that increased train noise will adversely impact my quality of life and home value.

(R. 432). All Petitioner Marvin actually alleges is that he heard train noise on some nights that woke him up, that the noise is louder than noise from other trains running through the Village, and that he is concerned that the noise will adversely impact him (R. 432).

Any person residing near rail tracks on which trains are operating could make the same allegations as Petitioner Marvin. The Record contains no allegations that the purported train noise impacts Petitioner Marvin any different than any other member of the general public. In fact, the Record makes clear that the noise Petitioner Marvin complains of was heard in different parts of the Village by different residents without regard to their proximity to the Facility (R. 627-29).

Thus, applying the holding in *Socy. of Plastics*, the Fourth Department held as follows:

> Inasmuch as we are dealing with the noise of a train that moves throughout the entire Village, as opposed to the stationary noise of the transloading facility, we conclude that Marvin will not suffer noise impacts "different in kind or degree from the public at large"

(*Sierra Club*, 115 AD3d at 1312-13). Petitioner Marvin's generalized assertions of increased exposure to noise were "insufficient to demonstrate that [Petitioner Marvin] will suffer damages that are distinct from those suffered by the public at large" (*see Finger Lakes Zero Waste Coalition, Inc. v Martens*, 95 AD3d 1420, 1422-23 [3d Dept 2012]; *see also Save Our Main Street Buildings v Greene County Legislature*, 293 AD2d 907, 909 [3d Dept 2002]; *Oates v Vil. of Watkins Glen*, 290 AD2d 758, 760-61 [3d Dept 2002]; *Gallahan v Planning Bd. of City of Ithaca*, 307 AD2d 684, 685 [3d Dept 2003]).

The Fourth Department's application of the requirement in *Socy. of Plastics* that Petitioners demonstrate an environmental injury different from the public at large does not require clarification by this Court. The Fourth Department's decision was not based on a novel interpretation of *Socy. of Plastics*. Rather, the basis of the Fourth Department's decision was the deficient record, *i.e.*, that Petitioners simply failed to "prove[] that their injury is real and different from the injury most members of the public face" (*see Save the Pine Bush, Inc.*, 13 NY3d

at 306). Accordingly, this Court's holding in *Socy. of Plastics* was correctly applied by the Fourth Department in this case and does not require clarification by this Court.

B. There is no conflict among the Departments of the Appellate Division concerning the presumption of standing in SEQRA cases based on proximity to the project site.

Petitioners assert that there is a conflict among the departments of the Appellate Division concerning whether an individual who lives in proximity to a project site is entitled to a presumption of standing in SEQRA cases (*see* Pet.'s Motion at 13-18). The proximity exception as recognized by this Court is not at issue in this case because Petitioner Marvin's claim of standing was not based on his proximity to the Transloading Facility. In fact, as the Fourth Department found, "[n]otably, *Marvin raised no complaints concerning noise from the transloading facility itself*" (*see Sierra Club*, 115 AD3d at 1312 [emphasis added]). The Record establishes that Petitioner Marvin's claim of standing was based not on his proximity to the Transloading Facility, but noise from a train that runs through the entire Village of Painted Post (*see* R. 432). Because Petitioner Marvin failed to allege that his proximity to the Transloading Facility was the basis for his complaint of injury, the issue is simply irrelevant and does not merit review by this Court.

In any event, contrary to Petitioners' contention, New York courts have not issued contradictory decisions concerning whether "the proximity exception applied by this Court in zoning cases also applies to proximity cases in non-zoning land use cases raising SEQRA issues" (*see* Pet.'s Motion at 13). New York courts have uniformly concluded that that "when no zoning-related issue is involved, there is no presumption of standing to raise a SEQRA challenge based on a party's close proximity alone" (*see Save Our Main Street Buildings*, 293 AD2d at 908; *see also Sierra Club*, 115 AD3d at 1312). Thus, "[s]ince the instant case does not involve a zoning enactment, petitioners are not entitled to the presumption that they have suffered harm" (*Rent Stabilization Assn. of N.Y.C., Inc. v Miller*, 15 AD3d 194, 194-95 [1st Dept 2005]; *see also Clean Water Advocates of New York, Inc. v New York State Dept. of Envtl. Conservation*, 103 AD3d 1006, 1008 [3d Dept 2013]; *Boyle v Town of Woodstock*, 257 AD2d 702, 704 [3d Dept 1999]).

Petitioners attempt to create a conflict between the departments of the Appellate Division by asserting that the Courts have determined that the "proximity exception and presumption applies in the non-zoning context" (*see* Pet.'s Motion at 13-14), but a review of those cases reveals no such conflict exists. In each case cited by Petitioners, although proximity was a factor in assessing the injury, a specific environmental injury was still required. Thus, in *Ziemba v City of Troy*, 37 AD3d 68 (3d Dept 2006), the Court found standing

based upon scenic view because "the individually-named petitioners live within two blocks of the proposed demolition and can see the historic buildings from their homes" (*see id.* at 71). Similarly, in *Long Is. Contractors' Assn. v Town of Riverhead*, 17 AD3d 590 (2d Dept 2005), the Court found the petitioner's alleged environmental harm different from that suffered by the public at large because he owned property adjacent to an asphalt plant that would have exposed "nearby residents to hazardous air emissions, noxious odors, increased noise, and increased truck traffic" (*see id.* at 594). In each case, the identification of a particularized environmental harm was required even though was related to the proximity to the project site.

The remaining cases cited by Petitioners similarly do not stand for the proposition that proximity alone is sufficient to establish standing in a SEQRA case. Instead, those cases hold that an allegation of particularized environmental harm caused by the proximity to the subject property is required (*see Town of Coeymans v City of Albany*, 284 AD2d 830 [3d Dept 2001] [proximity coupled with allegations of environmental injuries from proposed landfill]; *McGrath v Town Bd. of Town of N. Greenbush*, 254 AD2d 614 [3d Dept 1998] [proximity coupled with allegations of environmental injury from the proposed project sufficient to create presumption of standing to challenge enactment of local zoning law]; *Lo Lordo v Board of Trustees of Inc. Vil. of Munsey Park*, 202 AD2d 506,

507 [2d Dept 1994] [proximity coupled with allegations of traffic impacts from the project]).

Accordingly, these cases are not in conflict with the remaining cases highlighted by Petitioners, which have been determined that the proximity alone is insufficient to establish standing in SEQRA cases (*see Clean Water Advocates of New York, Inc.*, 103 AD3d at 1008; *Barrett v Dutchess County Legislature*, 38 AD3d 651 [2d Dept 2007]; *Rent Stabilization Assn. of N.Y.C.*, 15 AD3d at 194-95; *Save Our Main Street Buildings*, 293 AD2d at 908; *Boyle*, 257 AD2d at 704; *Oates*, 290 AD2d at 760-61). Contrary to Petitioners' contention, courts have not eliminated the requirement that a petitioner establish an injury different from the public at large in order to establish standing under SEQRA.

To the extent Petitioners also contend that the Fourth Department's decision in *Matter of Ontario Heights Homeowners Assn. v Town of Oswego Planning Bd.*, 77 AD3d 1465 (4th Dept 2010), is in conflict with the decisions of other departments, the Fourth Department obviously disagrees with Petitioners' reading of the case because it held in this case that "there is no presumption of standing to raise a challenge under [SEQRA] based solely on a party's proximity" (*see Sierra Club*, 115 AD3d at 1312-13 [internal quotations omitted]). All of the courts in which this issue has been considered have concluded that proximity alone is not

sufficient to establish SEQRA standing. Thus, there is no conflict among the Appellate Division on this issue that would merit review by this Court.

C. This Court has considered and rejected Petitioners' contention that the proximity presumption applies in non-zoning cases.

Petitioners' also assert that this Court has never considered whether the proximity presumption would apply in non-zoning cases (*see* Pet.'s Motion at 15). In fact, this Court considered the issue in *Save the Pine Bush, Inc.* and rejected the contention that proximity alone is sufficient to determine standing in SEQRA cases. In *Save the Pine Bush, Inc.*, the municipality argued that this Court should "adopt a rule that environmental harm can be alleged only by those who own or inhabit property adjacent to, or across the street from, a project site" (*Save the Pine Bush, Inc.*, 13 NY3d at 305). This Court rejected such a rule as arbitrary because it "would mean in many cases that there would be no plaintiff with standing to sue, while there might be many who suffered real injury" (*id.*). By the same token, this Court should similarly reject Petitioners' proposed rule that an environmental harm can be deemed to have occurred (for standing purposes) by anyone who owns property adjacent to a project site.

Nevertheless, Petitioners urge this Court to extend this Court's decisions in *Sun-Brite Car Wash, Inc. v Bd. of Zoning and Appeals of the Town of North Hempstead*, 69 NY2d 406 (1987), and *Matter of Har Enterprises v Town of Brookhaven*, 74 NY2d 524 (1989), to non-zoning cases because "it should

be assumed that the proximity of a homeowner to a land use action that is being taken in a non-zoning case, would also have the same potential negative effects, and therefore, the presumption should also apply" (*see* Pet.'s Motion at 15). This assumption is flawed as highlighted by this Court's analysis in *Save the Pine Bush, Inc.*:

> Indeed, people who visit the Pine Bush, though they come from some distance away, seem much more likely to suffer adverse impact from a threat to wildlife in the Pine Bush than the actual neighbors of the proposed hotel development—the owners and occupants of the nearby office buildings and shopping malls. The neighbors may care little or nothing about whether butterflies, orchids, snakes and toads will continue to exist on or near the site

(*id.* at 305). The gravamen of this Court's holding in *Save the Pine Bush, Inc.* is that, regardless of proximity, a petitioner may (or may not) be capable of showing that the threatened harm affects them different from the public at large. In other words, proximity to the project site is not dispositive because the landowner may have, in fact, not suffered any real injury different from the public at large, which is precisely the case here.

To that end, this Court in *Save the Pine Bush, Inc.* did "not suggest that standing in environmental cases is automatic, or can be met by perfunctory allegations of harm" (*Save the Pine Bush, Inc.*, 13 NY3d at 306). Rather, this Court expressly held that petitioners "must not only allege, but if the issue is disputed must prove, that their injury is real and different from the injury most

members of the public face" (*id.*). The determination of standing in SEQRA cases is not automatic based on proximity, but rather requires a review of the facts of the particular case and the actual injuries alleged by the petitioner. Indeed, as this Court has made clear that "[t]he status of neighbor does not . . . automatically provide the entitlement, or admission ticket, to judicial review in every instance" (*Sun-Brite Car Wash, Inc.*, 69 NY2d at 414). Because Petitioners' proposed rule conflicts with this Court in *Save the Pine Bush, Inc.*, Petitioners' argument in this regard does not merit further review by this Court.

D. The Fourth Department's decision does not shield the Village's actions in this case from judicial review.

Petitioners' assertion that the Fourth Department's decision has applied the requirements of standing in an overly restrictive manner, thereby shielding the Village's actions from judicial review (*see* Pet.'s Motion at 17), is without merit. Had Petitioners been injured (by train noise or otherwise) in a manner different from the public at large, they could have demonstrated it by the submission of competent evidence. Indeed, "[s]tanding requirements 'are not mere pleading requirements but rather an indispensable part of the plaintiff's case' and therefore 'each element must be supported in the same way as any other matter on which the plaintiff bears the burden of proof'" (*Save the Pine Bush, Inc.*, 13 NY3d at 306) [citation omitted]. The Fourth Department's decision is based not only on overly restrictive interpretation of standing principles, but on Petitioners' failure to meet

their burden of proof. Accordingly, Petitioners motion for leave to appeal should be denied.

POINT II

THE VILLAGE'S SEQRA REVIEW DOES NOT RAISE NOVEL ISSUES OR ISSUES OF PUBLIC IMPORTANCE.

Petitioners assert that the merits of the Village's SEQRA review raised novel issues and issues of great public importance that merit review by this Court (*see* Pet.'s Motion at 18-23). That an issue may be one of "vital public concern" does not entitle a party to standing (*Socy. of Plastics*, 77 NY2d at 769). "Standing is a threshold determination, resting in part on policy considerations, that a person should be allowed access to the courts to adjudicate the merits of a particular dispute that satisfies the other justiciability criteria" (*id.*). Petitioners must first establish they meet the threshold standing requirement before this Court can reach the merits of this case. Petitioners, however, have failed to establish standing for the reasons discussed above. Thus, the merits of this case are not relevant and cannot provide a basis to by which to grant leave.

In essence, Petitioners are asking this Court to relax the standing requirements in SEQRA cases by reaching the merits to find an issue that they contend is a matter of public importance. "Courts surely do provide a forum for airing issues of vital public concern, but so do public hearings and publicly elected

legislatures . . . . By contrast to those forums, a litigant must establish its standing in order to seek judicial review" (*Socy. of Plastics*, 77 NY2d at 769). Having failed to establish standing, this Court cannot reach the merits of the case. To the extent Petitioners claim that the merits of this case concern matters of public importance and are likely to reoccur, this Court should await a case where the Record contains sufficient facts actually demonstrating an injury suffered by a petitioner that is different in kind or degree from the public at large (as opposed to what was alleged by Petitioners here). On this basis, this Court should decline to review the merits and deny Petitioners' motion for leave to appeal.

However, should this Court decide to review the merits of this case, there are no novel issues or issues of public importance associated with the sale of municipal water or the SEQRA review undertaken by the Village. The sale of surplus municipal water is not novel; it is expressly authorized pursuant New York Village Law (*see* Village Law § 11-1120). There is also no dispute that the Village obtained the necessary approvals for the sale of surplus water from the Susquehanna River Basin Commission, the agency charged with issuing such approvals (*see* ECL § 21-1301 *et seq.*). Petitioners never challenged its approvals. Further, the Village's wells were previously permitted by the State of New York over 50 years ago, and based on applicable well production data, have substantial

surplus capacity to provide water to Village residents and to sell the surplus water to SWEPI (R. 546-47, 551-552, 557-564).

The law is well-settled that SEQRA determinations should be upheld where, as here, the lead agency (in this case, the Village) "identified the relevant areas of environmental concern, took a 'hard look' at them, and made a 'reasoned elaboration' of the basis for its determination" (*Matter of Citizens Accord, Inc. v Town Bd. of the Town of Rochester*, 192 AD2d 985, 987 [2d Dept 1993], *lv denied*, 82 NY2d 656 [1993], quoting *Jackson v N.Y. State Urban Dev. Corp.*, 67 NY2d 400, 417 [1986]). The court must defer to the agency's judgment regarding environmental impacts and resist the temptation to "weigh the desirability of any action" or second guess the lead agency (*see, e.g., Akpan v Koch*, 75 NY2d 561, 570 [1990] [stating that "agencies have considerable latitude evaluating environmental effects" and "courts may not substitute their judgment for that of the agency"]).

The Record shows that the Village took the requisite "hard look" in connection with the action at issue by determining the relevant areas of environmental concern, analyzing the potential concerns of significance, and making an appropriate determination based on its review (R. 111-16, 148-334). The Village's review culminated in the issuance of a negative declaration, which documented the comprehensive review undertaken by the Village and contained its

reasoned elaboration as to why development, construction and operation of the Transloading Facility would not result in any significant adverse impact (*see* 6 NYCRR §§ 617.7[b], 617.12[a][2]). In fact, Petitioners conceded that "[t]he issue complained of in this case is not the construction of the water loading facility" (*see* Pet.'s Br. at 20), thus eliminating any question that the Village satisfied the requirements of SEQRA. The Village's SEQRA review does not raise novel issues or issues of public importance that merit review by this Court.

Petitioners also contend there are significant issues of public importance based upon the submission of various *amicus* briefs by three environmental organizations, including the New York Conference of Mayors and Municipal Officials. Notwithstanding the various *amicus* briefs, the sale of water by a municipality to outside users is neither novel, nor does it present any unique issues. The purpose of the *amicus* brief submitted by the New York Conference of Mayors was to specifically point out that the trial court's holding would upset well-settled law. As a result, Petitioners have presented no question that is novel or of public importance, or otherwise requires clarification by this Court. The issues in this case were resolved by the Fourth Department based on well-settled law and, therefore, Petitioners' motion for leave to appeal should be denied.

CONCLUSION

For the foregoing reasons, this Court should deny Petitioners' motion for leave to appeal to the Court of Appeals in this matter.

Dated: August 7, 2014

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