

STATE OF NEW YORK
COUNTY OF WASHINGTON SUPREME COURT

MARY ANNE RICHARD and
DANIEL SMITH,

Petitioners,

-against-

THE TOWN OF CAMBRIDGE,
THE CAMBRIDGE TOWN BOARD,
AUDREY B. HALL,
SALLY J. WHITNEY, and
TERRY E. WHITNEY, SR.,

Respondents.

NOTICE OF MOTION

Index No.: 16168
RJI No. 57-1-2009-0669

OFFICE OF THE CLERK
SUPREME & COUNTY COURTS

MAR 7 2011

WASHINGTON COUNTY

PLEASE TAKE NOTICE that, upon the affirmation of Alexander Powhida, affirmed, March 3, 2011, the Decision and Order of this Court, dated November 10, 2010, and upon all of the prior pleadings and proceedings of the action, Respondents, The Town of Cambridge and The Cambridge Town Board, will move this Court at the Warren County Municipal Center, Route 9, Lake George, New York, on the 16th day of March, 2011, at 9:30 a.m., or as soon after as counsel can be heard, for an Order, pursuant to CPLR 5701(c), granting Respondents permission to appeal to the Appellate Division, Third Department from such portion of the Decision and Order, dated November 10, 2010, of this Court as dismissed or disallowed the affirmative defense based upon the Statute of Limitations, together with such other and further relief as to the Court seems just.

Dated: March 3, 2011

DEILY, MOONEY & GLASTETTER, LLP

By:



Alexander Powhida, Esq.

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Washington County
Dona J. Crandall