



*Brian D. Nugent, Esq.*  
Feerick Nugent MacCartney PLLC  
96 South Broadway  
Nyack, New York 10960  
845.353.2000

*bnugent@fnmlawfirm.com*

TO: Mayor McFadden and Members of the Board  
DATE: November 17, 2021  
RE: Litigation Report

Below is a current update to all litigation matters which this office represents the Village of Tuxedo Park in litigation:

**Steyer v. Assessor, et al. (Tax Certioraris )**

(Orange County Supreme, Index Nos. EF002386/21 and EF002551/20)

Case settled. Consent Judgment with filed with the Court. Letter and Consent Judgment supplied to the Board.

**Madden v. Village**

(Article 78 concerning FOIL requests and Appeal, Docket No. 2018-08105.)

Waiting for a Decision from Orange County Supreme Court. Matter is fully submitted.

**King-Duchin v. Village ZBA, Ledwith, et al.**

(Orange County Supreme, Index No. EF005221/2020)

The Brief and Record on Appeal of John Ledwith the BZA (Attorney Alyse Terhune) are due November 19<sup>th</sup>. BZA and J. Ledwith are filing a Joint Record on Appeal. The Petitioners will have 30 days to respond with their opposition.

**Village of Tuxedo Park v. Tuxedo Park PBA (Taback)**

(Orange County Supreme, Index No. EF00358-2021)

Scheduling disciplinary hearing; settlement not likely.

**PERB – Improper Practice Charge (Separation of Service – Taback)**

PERB Case No. C-37886

Case has been further put on a “hold” status with PERB while parties explore settlement. May be resolvable with revised MOU.

**Village of Tuxedo Park PBA v. Village of Tuxedo Park (Traffic Guards)**

PERB Case No. U-35070 and U-35109

Awaiting decision from PERB on Exceptions filed.