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TO: Mayor McFadden and Members of the Board
DATE: January 20, 2021
RE: Litigation Report

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

King-Duchin v. Village ZBA, Ledwith, et al.
(Orange County Supreme, Index No. EF005221/2020)

A virtual Court conference was held December 1, 2020; Judge will be rendering a decision on papers submitted. Per Judge Onofry, the residence is to remain unoccupied until after a decision is made.

This case is an Article 78/ TRO request filed by King-Duchins' appeal from the determination of Building Inspector concerning the seasonal use of residence at 47 Clubhouse Road.

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

This litigation has been fully submitted to the Appellate Division since 2019. We are awaiting a decision from the Appellate Division. No oral argument was held as both parties agreed to submit on the briefs.

Taback v. Village of Tuxedo Park
(Orange County Sup., Index EF004179/2020)

A Notice of Appeal was filed by Taback on October 28, 2020 following the Court decision in favor of the Village. The appeal must be perfected before April 28, 2021 (6 months from the filing of the Appeal).

Village of Tuxedo Park v. Tuxedo Park PBA: (New Litigation being brought)

A Petition was filed with the Orange County Supreme Court on January 18, 2021 via NYSCEF to stay arbitration regarding two Demands for Arbitration filed by Taback.



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CASES HANDLED BY INSURANCE CARRIER COUNSEL:

Miller v. Village

(Orange County Supreme, Index No. 000704-2020)

Ongoing litigation being defended by insurance carrier assigned attorney, Michael Cook (Cook, Netter, Kurtz and Murphy). Litigation brought by Millers against the Village and a neighbor Ms. Hess due to drainage damages to Miller's property (driveway) as a result of neighboring driveway being in disrepair and poor design. Answer to Cross Claim filed on behalf of Village on 7/8/20. No Judicial Intervention has been sought so a preliminary conference has not been scheduled, hence no discovery schedule has been set. A settlement demand was made by Plaintiffs for \$38,000, however no breakdown of that figure was provided. At this time, this litigation remains in discovery phase. I have requested Mr. Cook provide details as they occur.

Steyer v. Town of Tuxedo

(Orange County Supreme, Index No. EF002551/20)

This is a tax certiorari against the Town of Tuxedo Park challenging the Town of Tuxedo Assessment Roll. The Village of Tuxedo Park is not a named party in this action, but is involved due to the Town of Tuxedo and applicable School District vicinity. Discovery is taking place and a settlement demand has been offered by the Petitioners to the Town of Tuxedo. A conference has been set for July 23, 2021.