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May 8, 2025

Darrell M. Joseph
Supreme Court, State of New York
Appellate Division, Second Department
45 Monroe Place Brooklyn, NY 11201

Re: Oral Clarke, et al. v. Town of Newburgh, et al. (Index No. 2024-11753; Supreme Court of the State of New York, Appellate Division, Second Department)

Dear Clerk of Court:

We represent the Town of Newburgh and the Town Board of the Town of Newburgh (collectively, “Defendants-Respondents”) in the referenced action. We write to inform the Court that trial in this action is scheduled to proceed in the Supreme Court, Orange County, before the Honorable Maria Vazquez-Doles beginning on May 12, 2025, through May 16, 2025 (*Oral Clarke, et al. v. Town of Newburgh, et al.*, Index No. EF002460/2024 (Sup. Ct. Orange Cnty.), notwithstanding the fact that this Court has not issued remittitur while it considers Defendants-Respondents’ pending motion for leave to appeal. While Defendants-Respondents believe that the Supreme Court lacks jurisdiction to hold this trial because this Court has not issued remittitur, C.P.L.R. 5524(b); *Fry v. Vill. of Tarrytown*, 176 Misc. 2d 275, 276, 671, N.Y.S.2d 633, 634 (Sup. Ct. Westchester Cnty. 1998), Plaintiffs-Appellants have taken a contrary position and believe that trial should move forward next week.

We thank the Court for its attention to this matter.

Respectfully submitted,

Bennet J. Moskowitz

cc: Hon. Maria Vazquez-Doles via NYSCEF (Index No. EF002460/2024)
All Counsel of Record via NYSCEF