

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

ORAL CLARKE, ROMANCE REED, GRACE
PEREZ, PETER RAMON, ERNEST TIRADO,
and DOROTHY FLOURNOY,

Plaintiffs,

v.

TOWN OF NEWBURGH and TOWN BOARD
OF THE TOWN OF NEWBURGH,

Defendants.

NOTICE OF ENTRY

Index No.: 50325/2025

PLEASE TAKE NOTICE, that annexed hereto is a true and correct copy of the Decision and Order of the Supreme Court of the State of New York, Appellate Division, Second Department, decided May 23, 2025 under Appellate Division Docket Number 2024-11753, and entered in the Office of the Clerk of the Appellate Division, Second Department on May 23, 2025.

Dated: New York, New York
May 23, 2025

TROUTMAN PEPPER LOCKE LLP

/s/ Bennet J. Moskowitz

BENNET J. MOSKOWITZ

PARIS L. KENT

875 Third Avenue

New York, New York 10022

(212) 704-6000

MISHA TSEYTLIN

MOLLY S. DiRAGO (*pro hac vice*)

111 S. Wacker Dr., Suite 4100

Chicago, Illinois 60606

(608) 999-1240

ANAIS JACCARD

301 S. College St, 34th Floor

Charlotte, NC 28202

*Attorneys for Defendants Town of Newburgh
and Town Board of the Town of Newburgh*

TO: All Counsel of Record via NYSCEF

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M305407

KS/

HECTOR D. LASALLE, P.J.
CHERYL E. CHAMBERS
JANICE A. TAYLOR
DONNA-MARIE E. GOLIA, JJ.

2024-11753

DECISION & ORDER ON MOTION

Oral Clarke, et al., plaintiffs-appellants,
v Town of Newburgh, et al., respondents;
Letitia James, etc., intervenor-appellant.

(Index No. 2460/2024)

Appeal from an order of the Supreme Court, Orange County, dated November 7, 2024, which was determined by opinion and order of this Court dated January 30, 2025. Motion by the respondents for leave to appeal to the Court of Appeals from the opinion and order of this Court and, in effect, in the event leave to appeal is granted, to stay all proceedings in the above-entitled action, pending hearing and determination of any appeal to the Court of Appeals.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

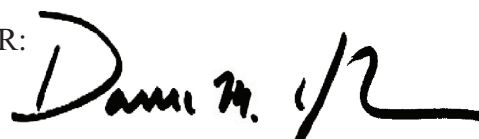
ORDERED that the branch of the motion which is for leave to appeal to the Court of Appeals from the opinion and order of this Court is granted, and the following question is certified to the Court of Appeals: Was the opinion and order of this Court dated January 30, 2025, properly made?

Questions of law have arisen, which, in our opinion, ought to be reviewed by the Court of Appeals (*see* CPLR 5713); and it is further,

ORDERED that the branch of the motion which is, in effect, to stay all proceedings in the above-entitled action, pending hearing and determination of any appeal to the Court of Appeals is granted, and all proceedings in the above-entitled action are stayed, pending hearing and determination of the appeal to the Court of Appeals.

LASALLE, P.J., CHAMBERS, TAYLOR and GOLIA, JJ., concur.

ENTER:



Darrell M. Joseph
Clerk of the Court

May 23, 2025

CLARKE v TOWN OF NEWBURGH