

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 2, 2013

Enclosed with this memorandum are the following items:

- 8-1 Legal Department Update from the Corporation Counsel dated August 5, 2013.
- 8-2 Meeting notice for the week of August 5, 2013 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: August 2, 2013

**TAX CERTIORARI**  
**CARROLL v. CITY OF RYE**

A Notice of Appeal in this matter was filed in the Appellate Division, Second Department.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE**

A Notice of Appeal has been filed in connection with this matter.

**WESTCHESTER JOINT WATER WORKS v. CITY OF RYE**

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

**LITIGATION**

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

All parties have filed and served discovery demands/requests on the parties. Over the next several weeks, documents will be exchanged.

**BASSETT v. CITY OF RYE**

The Appellate Division, Second Department issued a decision reversing the lower court decision of Judge Berliner that set aside the jury verdict and remitted the matter back to him to consider whether a new trial should be granted.

**CASPI v. CITY OF RYE**

**The Court has granted extensions for filing motions and responses. Motions for Summary Judgment must be filed and served on or before August 30, 2013. Opposition papers must be served and filed by October 16, 2013 and Reply papers by November 14, 2013.**

**DELLI PAOLI V. ZONING BOARD OF APPEALS**

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

**PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)**

I attended a settlement conference on July 18, 2013. A trial date has been calendared for February 4, 2014.

BUTLER v. PLANNING COMMISSION

The City's reply brief was filed and served on June 10, 2013. This matter is fully submitted.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

SMALL CLAIMS

MADEO MULTI-MEDIA/NICK MADEO v. RYE GOLF CLUB

On July 18, 2013, the parties met with an arbitrator to finish discussing the matter. The arbitrator will be rendering a written decision within thirty (30) days.

CITY COURT

People v. Chittenden

**Administrative Judge Scheinkman has assigned the Hon Brian Hansbury, White Plains City Court Judge as Acting Rye City Court Judge to preside over this matter. City Court Judge Latwin and Acting City Court Judge Runes have both recused themselves.**

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn