

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 19, 2014

Enclosed with this memorandum are the following items:

- 9-11 Legal Department Update from the Corporation Counsel dated September 19, 2014.
- 9-12 Meeting notice for the week of September 22, 2014 is available on the City website 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: September 19, 2014

TAX CERTIORARI
CARROLL v. CITY OF RYE

This matter is fully submitted before the Appellate Division, Second Department. We are waiting for an oral argument date.

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

The City's reply brief was served and filed. This matter is now fully submitted to the Appellate Division, Second Department. We are waiting for an oral argument date.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

The Appellate Division, Second Department, reversed the lower court and found that the City of Rye did have standing to seek dismissal of the proceedings based on a failure to comply with RPTL 708(3) and found that the City's records clearly showed that some of the property was located within the Rye Neck Union Free School District's property.

181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al

The return date for the motion has been adjourned to October 24, 2014.

LITIGATION

ALAN KACHALSKY v. THE CITY OF RYE, NEW YORK and the RYE CITY POLICE DEPARTMENT and P.O. ED BALLS

A summons and complaint was served on the City this week claiming false arrest, violations of civil rights under both the Federal Civil Rights Act and the New York State Constitution, negligent training on the part of the Police Department and Assault and Battery. Plaintiff is seeking both compensatory and punitive damages. A notice of claim had previously been served in connection with this matter.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A site visit was conducted by the City's engineering consultant.

CASPI v. CITY OF RYE

The City's motions for summary judgment were granted and the City, Commissioner Connors and Lt. Verille were dismissed from the case. The motion for summary judgment against Officer Anfuso was denied and Plaintiff's cause of action for

failure to intervene remains. Summary judgment was also denied as to Officers Rosace and Compagnone.

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

The City has served its Answer with Affirmative Defenses.

OMNI CONTRACTING V. CITY OF RYE

The co-defendant Calgi Construction has filed for bankruptcy. As a result, the trial has been adjourned.

AMERICAN LEISURE ACTIVITIES OF NEW YORK CITY INC. v. CITY OF RYE

All discovery has been served. An appearance is calendared for next week.

RVIN REYES, et al v. CITY OF RYE, RYE GOLF CLUB, RM STAFFING & EVENTS, INC., MORRIS YACHT AND BEACH CLUB, INC. and SCOTT YANDRASEVICH, Jointly and Severally

A conference was held on September 12, 2014 in front of Judge Roman. The matter was referred to Magistrate Davison for all discovery. Plaintiffs' counsel has indicated that he would move for class certification by January 15, 2015.

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

The matter is now fully submitted and we are waiting for a decision.

P. STEPHEN LAMONT v. KRISTEN K. WILSON, et al

Defendants' were granted permission to file a motion to dismiss. Plaintiff has until October 10, 2014 to file any amended complaint(s).

CHITTENDEN v. COMPAGNONE

Chittenden filed a motion for default judgment. Compagnone filed his answer and moved to dismiss for failure to serve a notice of claim on the City.

CITY COURT

PEOPLE v. CHITTENDEN

The Appellant has been granted an extension until October 15, 2014 to perfect his appeal.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW