

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN.

897-95

JOHN BARBARITE, JANET LYNN and VICTOR GORDON,
Plaintiff(s),

- against -

To commence the statutory time
period for appeals as of right
(CPLR 5513[a]), you are advised
to serve a copy of this order, with
notice of entry, upon all parties.

ROBERT FRIEDLAND, Individually and in his official
capacity as Mayor of the Village of Monticello, New
York; EVELYN VANDERMARK, Individually and in her
official capacity as Trustee of the Village of Monticello;
GLORIA CAHALAN, Individually and in her official capacity
as Trustee of the Village of Monticello; GARY SOMMERS,
Individually and in his official capacity as Trustee of
the Village of Monticello; MICHAEL LEVINSON, Individually
and in his official capacity as Trustee of the Village of
Monticello; WILLIAMS CUMMINGS, Individually and in his
official capacity as Manager of the Village of Monticello;
VILLAGE OF MONTICELLO, INC., and THE BOARD OF TRUSTEES OF
THE VILLAGE OF MONTICELLO, INC.,
Respondent(s),

MOTION DATE December 1, 1995
RJI NUMBER 52-13008-95

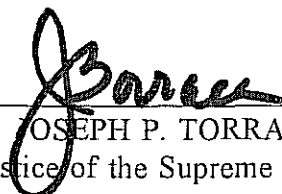
PRESENT: HONORABLE JOSEPH P. TORRACA, Supreme Court Justice

The following papers number 1 to <u>3</u> read on this motion	PAPERS NUMBERED
Order to Show Cause/Affidavits	1
Answering Affirmations	2
Replying Affidavits	3
Other:	

Upon the foregoing papers, Petitioners' request for an order striking out the answer herein insofar as it applies to the cause of action alleged in the complaint and directing that judgment be entered in favor of Petitioners, is denied in its entirety. Plaintiffs have failed to set forth facts which would constitute wrongdoing on the part of the Respondents and which would merit the relief sought by such movants. At most, the allegations of Petitioners constitute claims of erroneous discretion, which even if proven, would not rise to the level of acts which would warrant the granting of the demands made by such Petitioners.

This shall constitute the decision and order of the Court in this matter. All papers submitted on this motion are forwarded for filing to: MARTIN S. MILLER, ESQ., 34 North Street, Monticello, New York 12701.

DATED: September 25, 1996
Kingston, New York


JOSEPH P. TORRACA
Justice of the Supreme Court

xc: John Barbarite, Pro Se/Janet Lynn, Pro Se
PO Box 6, Monticello NY 12701-0006