



NIXON PEABODY LLP
ATTORNEYS AT LAW

NIXONPEABODY.COM
@NIXONPEABODYLLP

Scott M. Turner
Partner
T 585-263-1612
sturner@nixonpeabody.com

1300 Clinton Square
Rochester, NY 14604-1792
585-263-1000

September 27, 2018

VIA Hand Delivery

Hon. Daniel J. Doyle
Supreme Court Justice
Supreme Court, Monroe County
Hall of Justice, Room 545
99 Exchange Boulevard
Rochester, NY 14614

RE: Seneca Meadows v. Town of Seneca Falls et al.

Dear Justice Doyle:

As you are aware, this office represents Petitioner Seneca Meadows, Inc. in the above-referenced matter. This letter is in regards to the Motion to Intervene of Dixie C. Lemmon and Concerned Citizens of Seneca County, Inc. ("Interveners") filed in this matter on September 12, 2018 (the "Motion to Intervene"). Upon consultation with David Hou, counsel for the Respondents, we are writing to respectfully request from the Court an adjournment of the return date for the Motion to Intervene and the Petition/Complaint currently scheduled for October 3, 2018.

Petitioner and Respondents agree that a prudent course of action is to allow the Court to first hear the Motion to Intervene and sometime thereafter proceed to hear the Petition/Complaint. This will allow a more efficient use of the parties' and the Court's time and resources regardless of the success of the Interveners' motion. Accordingly, should the Court approve of this course, Petitioner and Respondents respectfully request a return date for the Motion to Intervene at the end of October 2018, or as soon thereafter as the Court's schedule permits.

Furthermore, Petitioner and Respondents have agreed to set a briefing schedule for the Petition/Complaint following the Court's entry of an Order determining the Motion to Intervene (the "Intervention Order"). Petitioner and Respondents therefore respectfully request that the Court set a return date for the Petition/Complaint at least 120 days after entry of the Intervention Order, or as soon thereafter as the Court's schedule permits; and that the Court approve and order the following schedule for the parties to serve their respective papers related to the Petition: (i) Petitioner shall serve its Memorandum of Law not later than 45 days after entry of the Intervention Order; (ii) Respondent and, if applicable, Interveners shall serve their answering papers not later than 90 days after entry of the Intervention Order; and (iii) Petitioner

Hon. Daniel J. Doyle
September 27, 2018
Page 2

NIXON PEABODY LLP
ATTORNEYS AT LAW

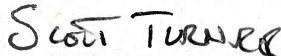
NIXONPEABODY.COM
@NIXONPEABODYLLP

shall serve its reply papers not later than 120 days after entry of the Intervention Order. Service of said papers shall be made according to CPLR 2103.

Please note that Petitioner and Respondents have also agreed that this will be the last adjournment sought from the Court on consent with respect to the aforementioned return dates. Although Petitioner and Respondent continue to be optimistic that an alternative resolution to litigation is possible, they are fully aware of the Court's need to avoid cases stagnating on its docket. Mr. Hou is copied under cover of this letter, and has consented and joins in this request. A good faith effort was made by Petitioner's and Respondents' counsel to reach an agreement with Intervener's counsel, Douglas Zamelis, regarding this request; however, it was not possible to reach agreement on the briefing schedule that would follow the Intervention Order. Mr. Zamelis is also copied under cover of this letter.

We thank the Court for its continued time and consideration in this matter.

Very truly yours,



Scott M. Turner

SMT

cc: David K. Hou, Esq. (*via email and first-class mail*)
Douglas H. Zamelis, Esq. (*via email and first-class mail*)
David Lee Foster, Esq. (*via email and first-class mail*)