

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONONDAGA

COLUMBUS MONUMENT CORPORATION, indiv. and as successor in interest to the COLUMBUS MONUMENT ASSOCIATION, NICHOLAS J PIRRO, BOB GARDINO, JOANNE GARDINO, JAMES ALBANESE, MIKE ALBANESE, KATIE ALBANESE, MARY EMILY ALIBRANDI, SILVIO AND LAUREN ASCENZO, BRENDA WENDY LEE BOUSEFELD, ANGELO AND MARGARET CHIODO, JOAN CHRISTENSEN, GABRIEL DIGENOVA, PETER DIGENOVA, GENE FISCH, ANDRE GRASSO, KEVIN KANE, SHANNON KENNEDY, BILL KINNE, JOE LEPIANE, TARKY LOMBARDI, JR., RANDY POTTER, JOSEPH RUSSO, GERARADA SCUDERI, CHARLES TREMPER, JOHN VIGLIOTTI,

Petitioners,

-vs-

CITY OF SYRACUSE, BEN WALSH, AS MAYOR OF THE CITY OF SYRACUSE

Respondents.

NOTICE OF APPEAL

Index No. 004586/2021

Hon. Gerard J. Neri

PLEASE TAKE NOTICE Respondent, the City of Syracuse, by and through its attorney, John G. Powers, Esq., hereby appeals to the Appellate Division, Fourth Department, from the Decision and Order dated March 11, 2022 of the Supreme Court, County of Onondaga, by Hon. Gerard J. Neri, J.S.C. and which was entered in the Office of the Clerk of the County of Onondaga on March 11, 2022.

This appeal is taken insofar as the Decision and Order partially denied Respondent's motion to dismiss (Motion No. 2) and partially granted Petitioners' Verified Petition (Motion

No. 1), as well as the whole thereof. A true and accurate copy of the Decision and Order appealed from, with Notice of Entry dated March 11, 2022, is annexed hereto as **Exhibit A**.

Dated: March 11, 2022

Respectfully submitted,

HANCOCK & ESTABROOK, LLP



By:

John G. Powers, Esq.
Mary L. D'Agostino, Esq.
100 Madison Street
1800 AXA Tower I
Syracuse, New York 13202
Telephone: (315) 565-4500
Facsimile: (315) 565-4650

OFFICE OF THE CORPORATION COUNSEL
FOR THE CITY OF SYRACUSE

Todd M. Long, Esq.
Danielle R. Smith, Esq.
Assistants Corporation Counsel
City of Syracuse
233 E. Washington St., Suite 300
Syracuse, NY 13202
(315) 448-8400

Attorneys for Respondent City of Syracuse

EXHIBIT A

{H4690021.1}

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONONDAGA

COLUMBUS MONUMENT CORPORATION, indiv. and as successor in interest to the COLUMBUS MONUMENT ASSOCIATION, NICHOLAS J PIRRO, BOB GARDINO, JOANNE GARDINO, JAMES ALBANESE, MIKE ALBANESE, KATIE ALBANESE, MARY EMILY ALIBRANDI, SILVIO AND LAUREN ASCENZO, BRENDA WENDY LEE BOUSEFELD, ANGELO AND MARGARET CHIODO, JOAN CHRISTENSEN, GABRIEL DIGENOVA, PETER DIGENOVA, GENE FISCH, ANDRE GRASSO, KEVIN KANE, SHANNON KENNEDY, BILL KINNE, JOE LEPIANE, TARKY LOMBARDI, JR., RANDY POTTER, JOSEPH RUSSO, GERARADA SCUDERI, CHARLES TREMPER, JOHN VIGLIOTTI,

Petitioners,

-vs-

CITY OF SYRACUSE, BEN WALSH, AS MAYOR OF THE CITY OF SYRACUSE

Respondents.

NOTICE OF ENTRY

Index No. 004586/2021

Hon. Gerard J. Neri

PLEASE TAKE NOTICE that the attached is a true and correct copy of the Decision and Order of the Honorable Gerard J. Neri, Supreme Court Justice, which is dated March 11, 2022 and entered in the office of the Onondaga County Clerk on March 11, 2022.

Dated: March 11, 2022

Respectfully submitted,

HANCOCK & ESTABROOK, LLP

By:



John G. Powers, Esq.
Mary L. D'Agostino, Esq.
100 Madison Street

1800 AXA Tower I
Syracuse, New York 13202
Telephone: (315) 565-4500
Facsimile: (315) 565-4650

OFFICE OF THE CORPORATION COUNSEL
FOR THE CITY OF SYRACUSE

Todd M. Long, Esq.
Danielle R. Smith, Esq
Assistants Corporation Counsel
City of Syracuse
233 E. Washington St., Suite 300
Syracuse, NY 13202
(315) 448-8400

Attorneys for Respondents