

MEMO

To: Sandy Lewis

From: Jim Brooks

Date: October 18, 2012

The case was John M. McMillin and Ellen McMillin, Richard M. Moccia and Leslie Moccia against Wayne Grimditch and Carol Lynn Grimditch. Because it was a motion to join a pending case against Grimditch by the Town of North Elba (Index #770-10), it did not have its own index number because the Court denied intervention (see order attached). Privatera appealed that result and the A.D. reversed it and has allowed the neighbors to intervene. The date we argued the motion was 3/11/11 per the order.

Jim Brooks/ss

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Essex at Elizabethtown, New York, on the 11th day of March, 2011.

PRESENT: HON. RICHARD B. MEYER, J.S.C. (Acting)

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

TOWN OF NORTH ELBA and JAMES E. MORGANSON,
Code Enforcement Officer of the Town of North Elba/
Village of Lake Placid,

Plaintiffs,

ORDER

-against-

WILLIAM H. GRIMDITCH, JR.,

Index No. 770-10
IAS No. 15-1-2010-0264

Defendant.

TOWN OF NORTH ELBA and JAMES E. MORGANSON,
Code Enforcement Officer of the Town of North Elba/
Village of Lake Placid,

Plaintiffs,

-against-

WAYNE H. GRIMDITCH and CAROL LYNN GRIMDITCH
RODA, Trustee of the Carol Lynn Grimditch Revocable
Trust,

Defendants.

A motion having been made to this court for an order pursuant to CPLR §§1012(a)(3) and 1013 permitting John M. McMillin, III, Ellen M. McMillin, Richard M. Moccia and Leslie Moccia to intervene in this consolidated action as party plaintiffs;

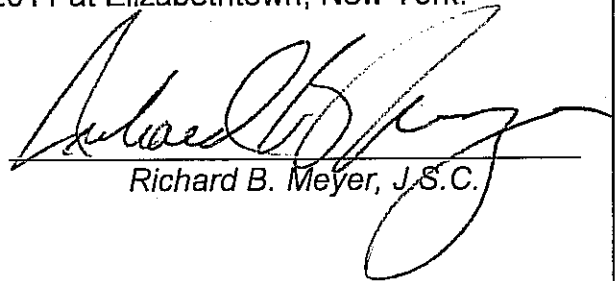
NOW, after reading and filing the notice of motion and affirmation of John J.

Privitera, Esq., attorney for proposed intervenors dated March 2, 2011, with exhibits, in support of said motion, and the affidavit of James M. Brooks, Esq., attorney for all of the Grimditch defendants duly sworn to on the 8th day of March, 2011, with exhibits, in opposition thereto, and plaintiffs Town of North Elba and James E. Morganson, Code Enforcement Officer of the Town of North Elba/Village of Lake Placid by its special counsel Michael J. Hutter, Jr., Esq., not having submitted any papers on the motion but having orally agreed to intervention on the 11th day of March, 2011, and after hearing John J. Privitera, Esq., attorney for proposed intervenors in support of the motion and James M. Brooks, Esq., attorney for all defendants in opposition thereto, at a motion term of this court held in Elizabethtown, New York, on the 11th day of March, 2011, and due deliberation having been had thereon, and on the oral decision of the court denying the motion for the reasons set forth and recorded in the transcript of proceedings of this motion made a part hereof, it is

ORDERED that the motion to intervene by John M. McMillin, III, Ellen M. McMillin, Richard M. Moccia and Leslie Moccia as a party plaintiff is denied.

Order signed this 24th day of March, 2011 at Elizabethtown, New York.

ENTER



Richard B. Meyer, J.S.C.

ELIZABETHTOWN, NY 12932

2011 MAR 24 PM 2:35

ENTERED AND FILED
ESSEX COUNTY CLERK