



*State of New York
Court of Appeals*

*John P. Asiello
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

December 28, 2020

McConville, Considine, Cooman & Morin P.C.
Attn: William E. Brueckner III, Esq.
25 East Main Street
Rochester, NY 14614-1874

Re: Batavia Townhouses v Council of Churches
Mo. No. 2020-807


Dear Mr. Brueckner:

The Court is considering your motion for leave to appeal in the above matter. This subject matter jurisdiction letter inquires whether the order sought to be appealed from finally determines the action (CPLR 5602).

Specifically, please state whether the request in the complaint for attorneys' fees remains pending. Please provide a copy of any order or judgment resolving the request for attorneys' fees and state whether an appeal was taken therefrom.

You are invited to submit written comments on this question with proof of service on each other party within ten days after this letter's date. Comments from counsel for the respondents, subject to the same filing requirements, also are solicited.

Very truly yours,


John P. Asiello

RMM

cc: Jeffrey A. Wadsworth, Esq.