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January 6, 2021

VIA UPS NEXT DAY MAIL

John P. Asiello
Chief Clerk and Legal Counsel
State of New York Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

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

Dear Mr. Asiello:

As counsel for the respondents, I write to address your subject matter jurisdiction letter of December 28, 2020, regarding this matter. You inquire whether the request in the complaint for attorneys' fees remains pending. It does not. The Supreme Court's decision and order did not mention the issue of attorneys' fees, which is equivalent to a denial. *See Klansky v. Weiden Lake Property Owners Ass'n, Inc.*, 127 A.D.3d 1439, 1440 (3d Dept. 2015). Respondents, who were plaintiffs below, did not appeal this issue.

Respectfully yours,

Harter Secret & Emery LLP

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JAW:dg

cc: William E. Brueckner III, Esq.