

COURT OF APPEALS
STATE OF NEW YORK

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In the Matter of the Application of the
CITY OF LONG BEACH,

Petitioner,

-against-

NOTICE OF MOTION
FOR LEAVE TO
APPEAL
Appellate Div Docket #
2018-10975
Nassau County Index #
17-003811

THE NEW YORK STATE PUBLIC EMPLOYMENT
RELATIONS BOARD AND LONG BEACH
PROFESSIONAL FIREFIGHTERS ASSOCIATION, IAFF,
LOCAL 287,

Respondents.

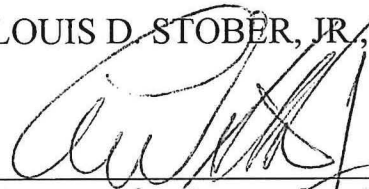
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PLEASE TAKE NOTICE that upon the annexed decision and order of the Appellate Division, Second Department, *Matter of City of Long Beach v. New York State Public Employment Relations Board and Long Beach Professional Firefighters Association, IAFF, Local 287*, 187 A.D.3d 745 [2d Dept 2020], decided October 7, 2020, and entered December 23, 2020, (“Decision”) reversing a decision and order of Respondent New York State Public Employment Relations Board (“PERB”), the notice of entry thereof, the record on appeal before the Appellate Division, Second Department, the submissions to the Second Department, and Affirmation of Louis D. Stober, Jr in support of this motion,

submitted herewith, the Long Beach Professional Firefighters Association, IAFF, Local 287 (“LBPFFA”) will move this Court at 20 Eagle Street, Albany, NY on January 25, 2021, or as soon thereafter as counsel may be heard, for an order pursuant to CPLR 5602 (a)(1)(i) and section 500.22 of the Rules of this Court granting leave to appeal from the Decision, and for such other and further relief as the Court deems just and proper.

Dated: Mineola, NY
January 14, 2021

LOUIS D. STOBÉR, JR., ESQ.



Attorney for Respondent LBPFFA
Law Offices Louis D. Stober, Jr. LLC
98 Front Street
Mineola, NY 11501
(516)742-6546
(516)742-8603 fax
Lstober@stoberlaw.com

To:
Michael T. Fois, Esq.
New York State PERB
PO Box 2074, ESP
Agency Building 2, 20th Floor
Albany, NY 12220
(518)457-2678
(518)457-2664 fax
mfois@perb.ny.gov

Emily E. Iannucci, Esq.
Bond, Schoeneck & King, PLLC
1010 Franklin Avenue
Garden City, NY 11530
(516)267-6314
(516)267-6301 fax
eiannucci@bsk.com

COURT OF APPEALS
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In the Matter of the Application of the
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AFFIRMATION IN
SUPPORT OF MOTION
FOR LEAVE TO
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RELATIONS BOARD AND LONG BEACH
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LOUIS D. STOBER, JR., an attorney-at-law duly admitted to the Courts of
the State of New York affirms the following under penalty of perjury:

1. I am the principal attorney in the Law Offices of Louis D. Stober, Jr., LLC,
attorneys for Respondent Long Beach Professional Firefighters Association, IAFF,
Local 287 (LBPFFA) and am duly authorized to make this affirmation.

2. I am fully familiar with all of the facts regarding the above captioned action
and I make this Affirmation in Support of the Respondent LBPFFA's motion for
permission to appeal to the New York State Court of Appeals.

3. On January 7, 2021, the New York State Public Employment Relations
Board's (PERB) made a motion for leave to appeal to the Court of Appeals.

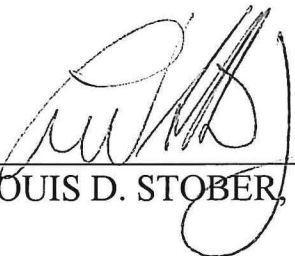
4. We incorporate all the arguments and papers in the aforesaid motion as if set forth fully herein, including PEB's memorandum of law in support of their motion for leave to appeal to the Court of Appeals.

5. The Appellate Division, Second Department's decision runs contrary to decades of precedent including from this very Court finding that the pretermination procedures of Section 71 of the Civil Service Law are a mandatory subject of negotiations. Further, the Appellate Division, Second Department's decision has created a conflict between the Departments and the Appellate Division, Second Department's decision has statewide impact.

6. These reasons make it imperative that this Court grant permission to appeal the decision of the Appellate Division, Second Department in the instant case.

WHEREFORE, the Respondent, LBPFPA, demands a decision and Order reversing the decision of the Appellate Division, Second Department, reinstating the Order of the Supreme Court, Nassau County dismissing the Petition, and for such further and other relief that this Court may direct together with the costs, disbursements and expenses of this action including attorneys' fees.

Dated: Mineola, New York
January 14, 2021



LOUIS D. STOBÉR, JR.

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RELATIONS BOARD AND LONG BEACH
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MOTION FOR LEAVE TO APPEAL TO COURT OF APPEALS

Law Offices of Louis D. Stober, Jr., LLC
98 Front Street
Mineola, New York 11501
(516) 742-6546
(516) 742-8603 facsimile

AFFIDAVIT OF SERVICE BY MAIL

Re: City of Long Beach v. New York State Public Employment Relations Board and Long Beach Professional Firefighters Association, IAFF, Local 287
STATE OF NEW YORK)

: ss.:

COUNTY OF NASSAU)

Gisella Stober, being duly sworn, deposes and says: I am not a party to the within action, am over 18 years of age and reside in Garden City, New York

On January 14, 2021 I served a copy of the following:

MOTION FOR LEAVE TO APPEAL TO THE COURT OF APPEALS AND AFFIRMATION IN SUPPORT OF MOTION

in the following manner:

By mailing the same in a sealed envelope, with postage prepaid thereon via certified return receipt, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last know address of the addressee as indicated below:

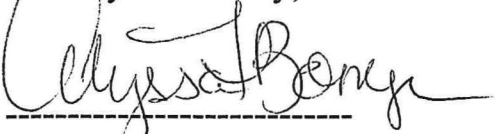
Emily E. Iannuci, Esq.
Bond, Schoeneck & King, PLLC
1010 Franklin Avenue, Suite 200
Garden City, NY 11530

MICHAEL T. FOIS, ESQ.
NEW YORK STATE PUBLIC RELATIONS BOARD
PO BOX 2074, ESP, BUILDING 2, 20TH FLOOR
ALBANY, NY 12220-0074



GISELLA STOBER

Sworn to before me this
14th day of January, 2021



Notary Public
Myssa F. Bomze
Notary Public-State of New York
No. 02BO6037788
Qualified in Suffolk County
My Comm. Expires Feb. 28, 20____