

NOTICE OF APPEAL TO COURT OF APPEALS

STATE OF NEW YORK
COURT OF APPEALS

OWNER OPERATOR INDEPENDENT DRIVERS
ASSOCIATION, INC., DOUGLAS J. HASNER, DAVID
D. WINN, d/b/a DAVE-LIN ENTERPRISES and GARY
L. O'BRIEN, d/b/a BLUE EAGLE EXPRESS,

Plaintiffs-Appellants,

- against-

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION,

Defendant-Respondent.

NOTICE OF APPEAL

Index No.: 904994-19

PLEASE TAKE NOTICE that Plaintiffs-Appellants Owner-Operator Independent Drivers Association, Inc.; Douglas J. Hasner; David D. Winn d/b/a Dave-Lin Enterprises; and Gary L. O'Brien d/b/a Blue Eagle Express, pursuant to CPLR § 5601(b)(1), hereby appeal to the Court of Appeals of the State of New York from the Opinion and Order of the Appellate Division, Third Judicial Department (Garry, P.J., Lynch, Pritzer, Colangelo, McShan, JJ.) made in Case No. 531495, dated March 31, 2022, and served on Plaintiffs-Appellants on April 4, 2022, affirming the Decision & Order of this Court (Supreme Court, Albany County) made in the above-captioned action by Honorable Catherine Cholakis, Acting Justice of the Supreme Court, dated May 1, 2020, which was entered in the Office of the Albany County Clerk on May 7, 2020, and which finally determined this proceeding and dismissed Plaintiffs'-Appellants' claims that the Respondent's warrantless commercial motor vehicle driver inspection program violates the New York State Constitution.

PLEASE TAKE NOTICE that Plaintiffs-Appellants appeal from each and every part of said Decision & Order and Opinion and Order, and the whole thereof.

Dated: April 29, 2022
Albany, New York

Respectfully submitted,

/s/ William J. Keniry
William J. Keniry, Esq.
Tabner, Ryan & Keniry, LLP
18 Corporate Woods Blvd.
Albany, New York 12211
(518) 512-5307
Co-Counsel for Plaintiffs-Appellants

Paul D. Cullen, Sr.
The Cullen Law Firm, PLLC
1101 30th Street, NW, Suite 300
Washington, D.C. 20007
(202) 944-8600
Lead Counsel for Plaintiffs-Appellants

To:

Letitia James
Attorney General, State of New York
The Capitol
Albany, NY 12224

Patrick Woods
Assistant Solicitor General
The Capitol
Albany, NY 12224
Patrick.Woods@ag.ny.gov

Kevin C. Hu
Assistant Solicitor General
The Capitol
Albany, NY 12224
Kevin.Hu@ag.ny.gov