

MEMORANDUM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HIGHVIEW PROPERTIES D.H.F. INC.,

Plaintiff,

-against-

TOWN OF MONROE; TOWN OF MONROE  
TOWN BOARD; HARLEY DOLES as former  
Town Supervisor in his official capacity;  
ANTHONY CARDONE, as Town Supervisor and  
individually; MARY BINGHAM as Monroe Town  
Boardmember; RICHARD COLON, as Monroe  
Town Boardmember and individually; MICHAEL  
McGINN, as Monroe Town Boardmember and  
individually; GERARD McQUADE, JR., as  
Monroe Town Boardmember and individually; and  
AUDRA SCWARTZ, as Town of Monroe Planning  
Board Chairperson,

Defendants.

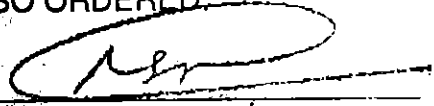
NOTICE OF MOTION

Docket No.: 18-867 (NSR)

The Town Defendants' motion to  
dismiss is denied without prejudice  
to re-filing on the reply date -  
Sept. 5, 2018. (See ECF No. 42.) Clerk  
of the Court requested to terminate  
the motion (doc. 43).

Dated: July 3, 2018

SO ORDERED:

  
HON. NELSON S. ROMÁN  
UNITED STATES DISTRICT JUDGE

PLEASE TAKE NOTICE that, upon the annexed Declaration of Leo Dorfman and the exhibits annexed thereto; the accompanying *Memorandum of Law in Support of Town of Monroe Defendants' Motion to Dismiss*; and upon all pleadings and proceedings in this case, Defendants Town of Monroe, Town of Monroe Town Board, Anthony Cardone, Mary Bingham, Richard Colon, Michael McGinn and Audra Schwartz ("Town Defendants") will move this Court before the Honorable Nelson S. Román at the United States District Court, located at 300 Quarropas Strett, White Plains, NY 10601-4150, on a date and time to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing plaintiff's Complaint in its entirety with prejudice, together with such other and further relief as this Court deems just, equitable, and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to court order, opposition papers

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/3/2018

are to be filed by August 17, 2018, and reply papers by September 5, 2018.

Dated: Carle Place, New York  
July 2, 2018

**SOKOLOFF STERN LLP**  
*Attorneys for Town Defendants*



By: LEO DORFMAN  
ALEXANDER J. ELEFTHERAKIS  
179 Westbury Avenue  
Carle Place, New York 11514  
(516) 334-4500  
File No. 160203

TO: Robert S. Rosborough  
Whiteman Osterman & Hanna LLP  
One Commerce Plaza  
Albany NY 12260

James A. Randazzo  
Portale Randazzo LLP  
245 Main Street, Suite 340  
White Plains NY 10601