

AMENDED NOTICE OF CROSS-MOTION BY RESPONDENT TO DISMISS,
DATED JUNE 19, 2015 [50 - 52]

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

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In the Matter of the Application of

CARL E. PERSON,

Index No. 100484/15
(Hunter, J.S.C.)

Petitioner,

For Judgment Pursuant to CPLR Article 78

-against-

**AMENDED NOTICE OF
CROSS-MOTION TO
DISMISS**

NEW YORK CITY DEPARTMENT OF
TRANSPORTATION,

Respondent.

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PLEASE TAKE NOTICE that based upon the attached Affirmation in Support of Respondent New York City Department of Transportation’s Cross-Motion to Dismiss of Amy McCamphill, dated May 13, 2015, and all the pleadings and proceedings heretofore had herein, the undersigned will move this Court, located at 60 Centre Street, New York, New York 10007, at 9:30 am on July 6, 2015, or as soon thereafter as counsel may be heard, for a Judgment pursuant to sections 3211(a)(3), (5), (7), 7804(f); and 217 of the Civil Practice Law and Rules (“CPLR”) dismissing the Petition on the grounds that this Petitioner lacks standing to sue, Petitioner’s claims are time barred by the applicable statute of limitations, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR section 2214(b), and the Stipulation of Adjournment executed on April 7, 2015, answering papers have been served upon the undersigned, and reply papers were served upon Petitioner in June 2015, in accordance with the schedule in the Stipulation of Adjournment;

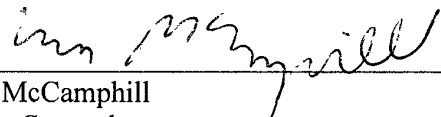
PLEASE TAKE FURTHER NOTICE that the Clerk of Court has further adjourned the return date of this motion, of June 18, 2015 (the date set forth in the Stipulation of Adjournment) to July 6, 2015, because Respondent did not submit a no fee letter on the return date of June 18, 2015;

PLEASE TAKE FURTHER NOTICE that Respondent reserves the right pursuant to CPLR section 7804(f), in the event the Petition is not dismissed, to answer the Petition, and hereby requests of the Court twenty (20) days to serve and file Respondent's Answer, should an Answer be necessary.

Dated: New York, New York
June 19, 2015

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By: _____


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TO:

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