

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF TOMPKINS

RECEIVED/FILED
TOMPKINS COUNTY CLERK

2011 OCT 21 PM 3:39

ANSCHUTZ EXPLORATION CORPORATION,

Petitioner-Plaintiff,

For a Judgment Pursuant to Articles 78 and 3001 of the
Civil Practice Law and Rules,

-against-

TOWN OF DRYDEN and TOWN OF DRYDEN TOWN
BOARD,

Respondent-Defendants.

NOTICE OF MOTION

Index No. 2011-0902

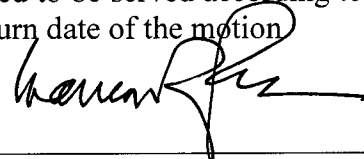
RJI No. 2011-0499-M

Hon. Phillip R. Rumsey

PLEASE TAKE NOTICE that upon the Affidavits of Mary Ann Sumner, Bambi L. Avery, Henry M. Slater, Sibley Stewart and Mahlon R. Perkins, and upon the pleadings herein, the Respondents-Defendants will move this Court at the Tompkins County Courthouse, Ithaca, New York, on the 4th day of November, 2011 at 9:30 a.m., or as soon thereafter as counsel may be heard, for judgment dismissing that part of the Verified Petition and Complaint which seeks relief pursuant to CPLR Article 78 and for summary judgment pursuant to CPLR 3212 on the grounds there are no material issues of fact and that the causes of action in the Verified Petition and Complaint have no merit, and for such other and further relief as to the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Stipulation of the parties and CPLR 2214(b) answering affidavits, if any, are required to be served according to the provisions of the Stipulation at least seven (7) days before the return date of the motion

Dated October 21, 2011



Mahlon R. Perkins, Esq.
Attorney for Respondents-Defendants
Mahlon R. Perkins, P.C.
11 South Street
P. O. Box 27
Dryden, New York 13053

TO: Thomas S. West., Esq.
Yvonne E. Hennessy, Esq.
Attorneys for Petitioner-Plaintiff
The West Firm
677 Broadway, 8th Floor
Albany, NY 12207-2996