

STATE OF NEW YORK
SUPREME COURT

COUNTY OF MONROE

In the Matter of
BRIGHTON RESIDENTS AGAINST VIOLENCE TO
EVERYONE, INC., ROC LOVE, INC.,
CAROL N. CROSSED, ELLEN DUNCAN, and
WILLIAM MCGINN,

Plaintiffs-Petitioners,

**NOTICE OF MOTION FOR LEAVE
TO ADD PARTIES PURSUANT TO
CPLR 401 AND TO AMEND
PLEADING PURSUANT TO CPLR 1003
TO ADD SUCH PARTIES**

-v-

PLANNING BOARD OF THE TOWN OF BRIGHTON,
And KENNETH W. GORDON, in his capacity as
TOWN ATTORNEY FOR THE TOWN OF BRIGHTON, and
WESTFALL MEDICAL REALTY, LLC

Defendants-Respondents,

For Relief Pursuant to CPLR Article 78 and
for Declaratory Judgment Relief Pursuant to CPLR 3001

PLEASE TAKE NOTICE, that upon the affidavit of Clianda Yarde, dated December 14, 2021, and the Affidavit of Lynn Howlett, dated December 14, 2021 and the Affirmation of Linda A. Mandel Clemente, Esq., dated December 14, 2021, and also upon the notice of petition, summons and verified complaint-petition heretofore served herein, a motion pursuant to N.Y. CPLR 401 will be made at a Special Term Motion Calendar of this Court, to be held via a court-scheduled Teams Meeting on February 23, 2022 at 9:30 am, or as soon thereafter as counsel can be heard, for an order adding Clianda Yarde and Lynn Howlett as Plaintiffs-Petitioners on the ground that Clianda Yarde and Lynn Howlett each suffers harm different and distinct from those of the other Plaintiffs-Petitioners as a result of the Project, and were deprived of the opportunity to speak out about the Project and to raise community character, environmental, and minority community issues to the Planning Board by the failure of the

Defendants-Respondents to provide sufficient public notice of the nature of the Project, and also to add Planned Parenthood of Western New York as a Defendant-Respondent in the above-entitled action upon the ground that, as the undisclosed tenant/true applicant for the Project and who might thus be inequitably affected by a judgment in the instant action-proceeding,, Planned Parenthood appears to be a necessary party pursuant to CPLR 1001, and permitting the Plaintiffs-Petitioners to amend their Verified Complaint-Petition accordingly and to serve a supplemental summons, supplemental notice of petition, and a Second Amended Complaint-Petition upon all Defendants-Respondents and for such other and further relief as may be just, proper, and equitable, together with the costs of this motion.

Pursuant to the scheduling Order of the Court, answering papers of Defendants-Respondents shall be served no later than January 26, 2022 and reply papers of the movant shall be due on February 9, 2022.


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