

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT.

Receipt # 2427233

Book Page CIVIL

No. Pages: 2

Instrument: ORDER

Control #: 202007020105

Index #: E2018002961

Date: 07/02/2020

Time: 8:42:40 AM

Return To:  
Donna M. Brongo  
99 Exchange Boulevard - Rm: 412  
Rochester, NY 14614

Brighton Grassroots, LLC  
JACOBSON, HOWARD R.  
HWANG, MARGERIE  
KERRY, ROBERTA  
GRANT, DAVID G.

TOWN OF BRIGHTON  
TOWN OF BRIGHTON TOWN BOARD  
TOWN OF BRIGHTON PLANNING BOARD  
M&F, LLC  
DANIELE SPC, LLC

Total Fees Paid: \$0.00

Employee: CW

State of New York

MONROE COUNTY CLERK'S OFFICE  
WARNING – THIS SHEET CONSTITUTES THE CLERKS  
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &  
SECTION 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



SUPREME COURT  
STATE OF NEW YORK COUNTY OF MONROE

In the Matter of BRIGHTON GRASSROOTS, LLC,  
Petitioner-Plaintiff,

v.

Index #E2018002961  
BGR#1

TOWN OF BRIGHTON, Town of Brighton Town Board, Town  
of Brighton Planning Board, M & F, LLC, Daniele SPC, LLC, Mucca  
Mucca, LLC, Mardanth Enterprises, Inc., Daniele Management, LLC,  
Collectively Doing Business as Daniele Family Companies,  
Respondents-Defendants.

**NOTICE OF HEARING and ORAL ARGUMENT**

Pursuant to the Fourth Department’s decision in *Brighton Grassroots, LLC v. Town of Brighton*, 179 A.D.3d 1500, 1501–02 (2020), there will be a hearing on September 9, 2020, at 10:00 a.m. to resolve factual issues concerning the impact of the Whole Foods development on a recreational trail known as the Auburn Trail, including whether the development would require the constructive abandonment of the existing public use easements for that trail. Respondents are to present the necessary witnesses and documents. Petitioner may present its own witnesses and documents.

**Also on September 9, 2020, be prepared to argue/discuss the following:**

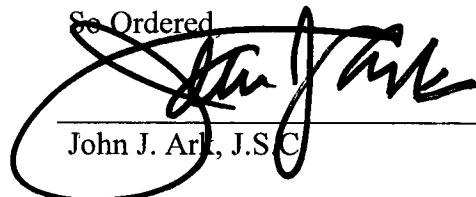
1. The Town of Brighton’s responsibility, if any, to intercede and rectify possible interference by the Whole Foods development with the public use of the existing public easements for the Auburn Trail;

2. Remedies should the Town of Brighton not intercede and rectify interference by the Whole Foods development with the public use of the existing public easements for the Auburn Trail; and

3. Is injunctive or other relief available to a member of the public (e.g. a neighbor to the development) in consideration of the construction of and/or the completed Whole Foods development’s possible interference with the member of the public/neighbor’s use of the existing public easements for the Auburn Trail?

Any memoranda are to be filed by 5:00 p.m. on August 21, 2020 and responses thereto by 5:00 p.m. on August 28, 2020.

Dated: June 30, 2020  
Rochester, New York

So Ordered  
  
John J. Arl, J.S.C.