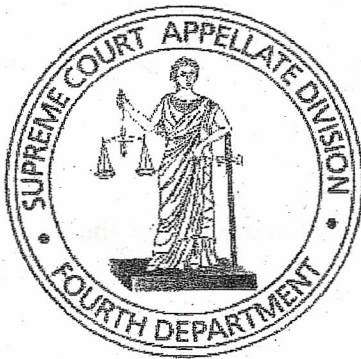


Supreme Court  
APPELLATE DIVISION  
Fourth Judicial Department  
Clerk's Office, Rochester, N.Y. }

*I, FRANCES E. CAFARELL, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original order, now on file in this office.*



*IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Rochester, New York, this* **DEC 06 2013.**

*Frances E. Cafarell*

**Clerk**

SUPREME COURT OF THE STATE OF NEW YORK  
**Appellate Division, Fourth Judicial Department**

DOCKET NO. CA 13-01917

PRESENT: SCUDDER, P. J., SMITH, CENTRA, FAHEY, AND PERADOTTO, JJ.

IN THE MATTER OF JACK BAILEY, ET AL., PETITIONERS,  
ANDREW DEWOLF, PETITIONER-APPELLANT,

V

VILLAGE OF LYONS BOARD OF TRUSTEES, RESPONDENT-RESPONDENT.

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Respondent having moved to dismiss the appeal taken herein from an order of the Supreme Court entered in the Office of the Clerk of the County of Oneida on August 27, 2013, on the ground that the appeal is moot or, in the alternative, having moved for an extension of time to file and serve a respondent's brief,

Now, upon reading and filing the affidavit of Arthur B. Williams, Esq., sworn to November 12, 2013, the notice of motion with proof of service thereof, and the affidavit of Andrew P. DeWolf sworn to November 20, 2013, and due deliberation having been had thereon,

**It is hereby ORDERED** that the motion insofar as it seeks to dismiss the appeal is denied with leave to discuss the issue of mootness in the respondent's brief and to renew the motion to dismiss at oral argument, and

**It is further ORDERED** that the motion insofar as it seeks an extension of time to file and serve a respondent's brief is granted on condition that the brief is filed and served on or before January 6, 2014, and the Clerk is directed to accept the brief for filing, and

**It is further ORDERED** that reply briefs, if any, shall be filed and served on or before January 21, 2014.

**Entered: December 6, 2013**

**FRANCES E. CAFARELL, Clerk**