

4th Dept Appeals Decision Bailey v Lyons

The Appellate Division of the NYS Supreme Court, 4th Department out of Rochester NY, decided on Friday May 9, 2009 to ignore the merits of a case led by pro-se citizens and dismiss the *Bailey et. al. vs Village of Lyons* case as moot because the village complied under duress of a court order over 3 months late. The court declined to review the allegations that the lower court deviated from standard procedures, ignored evidence, and ignored clear law by granting extensions to the Village of Lyons. By refusing to hear this case and leaving it as precedent, they've left the citizens without further options to enforce the law as written. Of crucial importance is that this ruling now gives license to municipalities undergoing dissolution to ignore the clearly written law with impunity and no liability, contrary to the intents of the legislature. In the end, the ordinary citizen still has no standing to fight entrenched politicians and overcome the convoluted judiciary system.

The Governor's office, Attorney General's Office, our state legislators Senator Nozzolio and Assemblyman Oaks have remained deafeningly silent to our pleas for assistance during the dissolution process and later the appeals process to support us in enforcing a law which they helped pass into law. This process has illustrated to citizens the weaknesses of our government and especially of the judiciary system that should be a recourse and arbitrator of last resort for citizens. For this law, it now falls back upon the legislature to give it teeth and fix the flaws in it.

OneLyons still believes that our case has merit, but will not be appealing to the full Appeals Court. We believe that the most powerful voice in the dissolution process has already spoken, and that was **the voters** by an overwhelming margin. We hope the politicians take notice!

In Lyons, we've witnessed the contrast in the NYS Court System between two separate Supreme Courts, which leaves us concerned and disheartened. We observed NYCOM and our local government flout a clearly written NYS Law with impunity, and the local Wayne County Supreme Court steadfastly give deference and lenience towards public officials regardless of their actions and behavior. We've seen the same Supreme Court again defer to local officials in questions of fraudulent petitions, while the Supreme Court in Seneca Falls took an aggressive stance against potential fraud and threw out an entire referendum for the exact same reasons OneLyons had petitioned the court in our second case.

OneLyons looks forward to engaging with our state politicians to addressing the deficiencies and weaknesses discovered in GML 17-A and to fix the law so that it actually empowers and supports citizens that have the courage to initiate the dissolution process. We've seen this law is too imbalanced and puts the full burden of enforcement on average citizens to take on both entrenched politics and the judiciary.

Stand up, be counted and engage our politicians! Be heard for the change you want to see!

Approved and released on behalf of the members of OneLyons. Please contact Jack Bailey for further commentary or questions @ (315)398-8222 or via email - bailey.jackarin@yahoo.com.