

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

1116

CA 19-00609

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, CURRAN, AND WINSLOW, JJ.

IN THE MATTER OF LEANNE MUNDELL,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

NEW YORK STATE DEPARTMENT OF TRANSPORTATION,
RAYMOND LAMARCO, DIRECTOR, OFFICE OF HUMAN
RESOURCES, NEW YORK STATE DEPARTMENT OF
TRANSPORTATION, RESPONDENTS-APPELLANTS,
ET AL., RESPONDENTS.
(APPEAL NO. 2.)

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (OWEN DEMUTH OF COUNSEL), FOR
RESPONDENTS-APPELLANTS.

BOSMAN LAW FIRM, LLC, BLOSSVALE (A.J. BOSMAN OF COUNSEL), FOR
PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County
(Bernadette T. Clark, J.), entered October 12, 2018 in a CPLR article
78 proceeding. The order granted the application of petitioner
insofar as it sought attorneys' fees and costs pursuant to Judiciary
Law §§ 753 and 773 and imposed a fine of \$250 against respondents-
appellants.

It is hereby ORDERED that the order so appealed from is
unanimously reversed on the law without costs, that part of the
application seeking attorneys' fees and costs pursuant to Judiciary
Law §§ 753 and 773 is denied, and the award of the fine pursuant to
section 773 is vacated.

Same memorandum as in *Matter of Mundell v New York State Dept. of
Transp.* ([appeal No. 1] - AD3d - [July 17, 2020] [4th Dept 2020]).

Entered: July 17, 2020

Mark W. Bennett
Clerk of the Court