

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

1117

CA 19-00610

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

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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. 3.)

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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.

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Appeal from an order of the Supreme Court, Oneida County  
(Bernadette T. Clark, J.), entered December 26, 2018 in a CPLR article  
78 proceeding. The order granted the application of petitioner  
insofar as it sought attorneys' fees and costs pursuant to CPLR  
article 86.

It is hereby ORDERED that the order so appealed from is  
unanimously reversed on the law without costs and that part of the  
application seeking attorneys' fees and costs pursuant to CPLR article  
86 is denied.

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