

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

(APPEAL)

DOCKET NUMBER CA 13-01558

---

IN THE MATTER OF SIERRA CLUB, PEOPLE FOR A HEALTHY ENVIRONMENT, INC.,  
COALITION TO PROTECT NEW YORK, JOHN MARVIN, THERESE FINNERAN, MICHAEL  
FINNERAN, VIRGINIA HAUFF AND JEAN WOSINSKI, PETITIONERS-RESPONDENTS,

V

VILLAGE OF PAINTED POST, PAINTED POST DEVELOPMENT, LLC AND SWEPI, LP,  
RESPONDENTS-APPELLANTS,  
AND WELLSBORO & CORNING RAILROAD, LLC, RESPONDENT-RESPONDENT.

Steuben County Index No. 2012-0810

---

The above-referenced appeal has been perfected and has been scheduled for the FEBRUARY term of Court, which commences on MONDAY, FEBRUARY 24, 2014 and will be approximately 10 days in length. Counsel, or the parties, if not represented by counsel, will receive a notice to appear for oral argument not less than 20 days prior to the term, pursuant to section 1000.10 (e) of the Court's Rules.

Pursuant to sections 1000.2 (d) and 1000.3 (e) of the Court's Rules, ten (10) copies of respondent's brief must be filed with proof of service of 2 copies of the brief on or before **OCTOBER 7, 2013**. The time requested for oral argument, if any, must be noted on the upper right-hand corner of the brief. If no time is requested, the matter will be deemed submitted (see 22 **NYCRR** 1000.11 [b] and [d]). If no respondent's brief will be filed, counsel or respondent, if not represented by counsel, shall notify this office in writing within thirty (30) days of service of appellant's brief (see 22 **NYCRR** 1000.2 [d]). If the deadline set by this scheduling order cannot be met, a motion for an extension of time must be filed and served within (30) days of service of appellant's brief (see 22 **NYCRR** 1000.13 [h]).

Counsel or the parties, if not represented by counsel, must notify this office in writing within fifteen (15) days of the date that this scheduling order was mailed of unavailability for oral argument on a specific day or dates during the term (see 22 **NYCRR** 1000.10 [c]).

All papers filed and served in this matter shall bear the above-referenced Appellate Division docket number (see 22 **NYCRR** 1000.4 [a] [3]; [f] [4]; 1000.13 [a] [5] [ii]).

Please note that failure to comply with any provision of the Court's Rules, including the failure to comply with applicable deadlines, may result in the imposition of sanctions pursuant to section 1000.16 of the Court's Rules.

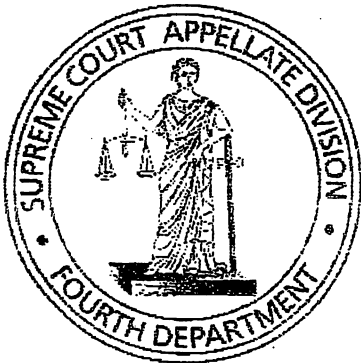
This scheduling order constitutes the order of the Court.

Entred: September 10, 2013

FRANCES E. CAFARELL, Clerk

**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*      **SEP 18 2013**

*Frances E. Cafarell*

---

**Clerk**