

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M78470
E/sl

HOWARD MILLER, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-07407

DECISION & ORDER ON MOTION

In the Matter of TransGas Energy Systems, LLC,
petitioner, v New York State Board on Electric
Generation Siting and the Environment, et al.,
respondents.

Motion by the Brooklyn Borough President, Brooklyn Community Board One, and Greenpoint-Williamsburg Waterfront Task Force for leave to intervene in a proceeding pursuant to CPLR article 78 to review determinations of the New York State Board on Electric Generation Siting and the Environment dated March 21, 2008, and July 15, 2008, respectively. Separate motion by City of New York to dismiss the proceeding on the ground the proceeding is time-barred as to it and that the proceeding cannot be prosecuted without it, as it is a necessary party.

Upon the papers filed in support of the motions and the papers filed in opposition to the motions, it is

ORDERED that the motion for leave to intervene is granted, Brooklyn Borough President, Brooklyn Community Board One, and Greenpoint-Williamsburg Waterfront Task Force are added as party respondents, and the caption is amended accordingly; and it is further,

ORDERED that on or before December 29, 2008, the petitioner shall serve Brooklyn Borough President, Brooklyn Community Board One, and Greenpoint-Williamsburg Waterfront Task Force with copies of the petition and supplemental petition, and on or before January 12, 2009, Brooklyn Borough President, Brooklyn Community Board One, and Greenpoint-Williamsburg Waterfront Task Force shall serve and file their answer; and it is further,

December 15, 2008

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ORDERED that the petitioner's time to serve and file a brief is enlarged until April 13, 2009, and the petitioner's brief must be served and filed on or before that date; and it is further,


ORDERED that the respondents' time to serve and file their briefs is enlarged until May 18, 2009, and the respondents' briefs must be served and filed on or before that date; and it is further,

ORDERED that the motion to dismiss the proceeding is held in abeyance and referred to the panel of Justices hearing the proceeding for determination upon the argument or submission thereof; and it is further,

ORDERED that the respondent City of New York shall serve and file its answer on or before January 12, 1009.

MILLER, J.P., DICKERSON, LEVENTHAL and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court