

From: Timothy J. Walker

Sent: Tuesday, September 29, 2015 3:33 PM

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Cc: Darryl J. Colosi <dcolosi@nycourts.gov>; John Garbo <jgarbo@nycourts.gov>

Subject: Bethlehem Steel Corporation, et al. v. County of Erie, et al (Index Nos. 2002-3610; 2003-2700; 2004-3114; 2005-3018; 2006-2863; 2008-3706; 2009-2994; 2010-2091; 2011-1403; 2012-1081; 2013-0969; 2014-803174; and 2015-804797)

Counselors: The Court has reviewed and considered the parties' respective motions for summary judgement and the concomitant submissions in support, and opposition thereto. The Court shall dispense with oral argument, and renders the following decision:

1. That aspect of Respondents' motion seeking permission to amend their answers is granted;
2. That aspect of Respondents' motion seeking summary judgment dismissing each of the Petitions in these proceedings is hereby granted, the Court determining that Petitioners failed to exhaust their administrative remedies, failed to pay the challenged sewer charges under protest and that, on the merits, there is a rational basis for the sewer assessment formula at issue; and
3. Petitioners' motion is denied in all respects.

Submit order.



Hon. Timothy J. Walker, Judge of the Court of Claims
Acting Supreme Court Justice
Presiding Justice, Commercial Division
8th Judicial District, State of New York

Item
4(a)



WebCivil Supreme - Motion Detail

Court: Erie Civil Supreme
Index Number: 804797/2015
Case Name: ARCELORMITTAL LACKAWANNA LLC vs. COUNTY OF ERIE
Case Type: E Article 78 Special Proceedng
Track: Standard

Motion Information:

Motion Number	Date Filed	Filed By	Relief Sought	Submit Date	Answer Demanded	Status	Decision	Order Signed Date
003	09/17/2015	PLAINT	Summary Judgment		No	Decided: 29-SEP-15 DENIED Before Justice: WALKER	Oral	
002	09/16/2015	DEF	Summary Judgment		No	Decided: 29-SEP-15 CASE DISPOSED Before Justice: WALKER	Oral	
001			Article 78		No	Decided: 16-APR-15 ADJOURNED WITHOUT A DATE Before Justice: WALKER	Oral	

Close