

At a Motion Term of the Supreme Court held in and for the County of Ontario, at the Ontario County Supreme and County Court, 27 North Main Street, Canandaigua, New York on the 5<sup>th</sup> day of March, 2021.

PRESENT: **HON. CHARLES A. SCHIANO, JR.**  
Supreme Court Justice Presiding

STATE OF NEW YORK  
SUPREME COURT COUNTY OF ONTARIO

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CONCERNED CITIZENS OF FARMINGTON, **JAMES FALANGA, NANCY FALANGA, DANIEL GEER, and JAMES REDMOND,**

Petitioners,

- v -

**TOWN OF FARMINGTON, TOWN OF FARMINGTON PLANNING BOARD, DELAWARE RIVER SOLAR, LLC, ROGER SMITH A/K/A RODGER SMITH, CAROL SMITH, ROCHESTER GAS AND ELECTRIC CORPORATION, JOHN DOES, AND ABC CORPORATIONS,**

Respondents.

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**PROPOSED ORDER**  
CHANGING CASE CAPTION

Index No. 126079-2019

WHEREAS, this Court made and entered a Decision on March 5, 2021 (NYSCEF Doc No. 401), in this Article 78 proceeding, effectuated by Order made and entered March 8, 2021 (NYSCEF Doc No. 404), which dismissed "Concerned Citizens of Farmington" from this proceeding for lack of standing; and

WHEREAS, the Town of Farmington, by its counsel Sheldon W. Boyce, Jr., Esq., has requested the caption of this proceeding be modified to remove “Concerned Citizens of Farmington” from the caption to reflect this Court’s determination as to that entity; and

WHEREAS such ministerial action is warranted as a result of this Court’s Order dismissing that entity from this proceeding;

NOW, it is hereby

ORDERED, that the caption of this proceeding is hereby modified to delete “Concerned Citizens of Farmington” from the list of Petitioners contained in the caption; and it is further

ORDERED, that the Clerk of the Court shall revise its records to reflect this change in this proceeding from this time forward; and it is further

ORDERED, that parties to this proceeding shall recaption this proceeding similarly to exclude “Concerned Citizens of Farmington” as a Petitioner in papers filed with the Court hereafter.

Dated: March \_\_\_\_, 2021

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Honorable Charles A. Schiano, Jr.  
Justice of Supreme Court

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