

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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ORAL CLARKE, ROMANCE REED, GRACE  
PEREZ, PETER RAMON, ERNEST TIRADO,  
and DOROTHY FLOURNOY,

Plaintiffs,

v.

TOWN OF NEWBURGH and TOWN BOARD  
OF THE TOWN OF NEWBURGH,

Defendants.

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**NOTICE OF APPEAL**

Index No.: EF002460-2024

**PLEASE TAKE NOTICE** that, Defendants-Appellants Town of Newburgh and Town Board of the Town of Newburgh (collectively, "Defendants-Appellants"), by their attorneys, Troutman Pepper Locke LLP, hereby appeal to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, from the Order of Hon. Mary Anne Scattaretico-Naber, J.S.C. of the Supreme Court of the State of New York, Orange County, dated May 15, 2025, and entered in the office of the Orange County Clerk on May 16, 2025. This appeal is taken from each and every portion of said Order. Defendants-Appellants served a Notice of Entry on Plaintiffs Oral Clarke, Romance Reed, Grace Perez, Peter Ramon, Ernest Tirado, and Dorothy Flournoy on May 16, 2025, a copy of which is attached.

An Information Statement pursuant to 22 NYCRR 1250.3 is also attached.

Dated: New York, New York  
May 16, 2025

TROUTMAN PEPPER LOCKE LLP



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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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ORAL CLARKE, ROMANCE REED, GRACE  
PEREZ, PETER RAMON, ERNEST TIRADO,  
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TOWN OF NEWBURGH and TOWN BOARD  
OF THE TOWN OF NEWBURGH,

Defendants.

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**NOTICE OF ENTRY**

Index No.: EF002460-2024

PLEASE TAKE NOTICE, that the attached is a true copy of the Order of the Hon. Mary Anne Scattaretico-Naber, dated May 15, 2025 (NYSCEF No. 196), that was entered in the office of the Clerk of the Supreme Court of the State of New York, Orange County, on the 16th day of May, 2025.

Dated: New York, New York  
May 16, 2025

TROUTMAN PEPPER LOCKE LLP

/s/ Bennet J. Moskowitz

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*Attorneys for Defendants Town of Newburgh  
and Town Board of the Town of Newburgh*

TO: All Counsel of Record Via NYSCEF

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE  
HON. MARY ANNE SCATTARETICO-NABER, J.S.C.

-----X  
ORAL CLARKE, ROMANCE REED, GRACE PEREZ,  
PETER RAMON, ERNEST TIRADO, and DOROTHY  
FLOURNOY,

Plaintiffs,

-against-

TOWN OF NEWBURGH, and TOWN BOARD OF,  
THE TOWN OF NEWBURGH,  
Defendants.

-----X

[To commence the statutory time  
period for appeals as of right (CPLR  
5513[a]), you are advised to serve a  
copy of this order, with notice of  
entry, upon all parties.]

Index No. EF002460-2024

### SHORT FORM ORDER

Plaintiffs move, by way of letter application, asking the court for the following relief:

(1) for a transfer of this matter to Westchester County, the County designated as the proper venue  
“in an action or proceeding in which any party challenges the constitutionality of a provision of  
this chapter ...” pursuant to Election Law Section 16-101; and (2) to hold an expedited hearing.

On May 14, 2025, the Court heard oral argument in response to the Plaintiffs’ letter  
application and Defendants’ opposition by letter thereto claiming, *inter alia*, that the Plaintiffs  
waived venue in Westchester County by initially filing this proceeding in Orange County, and  
alluding to, *inter alia*, forum shopping by the Plaintiffs. The Court reserved decision, scheduling  
virtual appearances on May 15, 2025, for rendering of that decision.

Now, after due deliberation and consideration of the papers submitted and arguments of  
counsel, the Court herein grants Plaintiffs’ application, finding that the proper venue for this  
proceeding is Westchester County Supreme Court, the County designated in the Second Judicial  
Department to hear such proceedings, pursuant to Election Law Section 16-101 (1)(b).

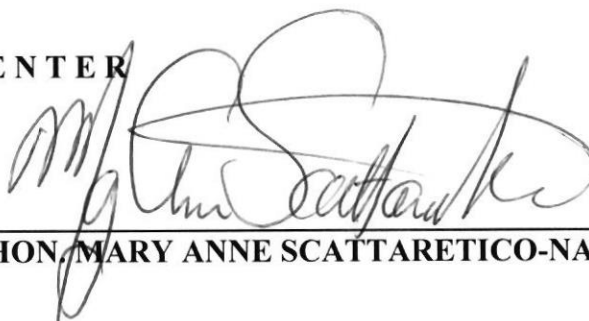
Accordingly, the Chief Clerk of Orange County Supreme Court is herein directed to

transfer this proceeding to Westchester County Supreme Court, forthwith, the Court designated to hear these matters for the Second Department, according to statute, to be scheduled for an expedited hearing in accordance with Election Law § 17-216.

The foregoing constitutes the decision and order of the Court.

Dated: May 15, 2025  
Goshen, New York

ENTER



HON. MARY ANNE SCATTARETICO-NABER, J.S.C.

TO: All parties, via NYSCEF



# NYSCEF Confirmation Notice

## Orange County Supreme Court

The NYSCEF website has received an electronic filing on 05/16/2025 09:47 AM. Please keep this notice as a confirmation of this filing.

**EF002460-2024**

**Oral Clarke et al v. Town of Newburgh et al**  
**Assigned Judge: Mary Anne Scattaretico-Naber**

### Documents Received on 05/16/2025 09:47 AM

Doc #	Document Type
197	NOTICE OF ENTRY

### Filing User

BENNET J MOSKOWITZ | bennet.moskowitz@troutman.com | 212-704-6000  
875 Third Avenue, New York, NY 10022

### E-mail Service Notifications

An email regarding this filing has been sent to the following on 05/16/2025 09:47 AM:

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**Kelly A. Eskew, County Clerk** - ccinfo@orangecountygov.com

Phone: (845) 291-2690 Fax: (845) 378-2368 (fax)

**NYSCEF Resource Center, nyscef@nycourts.gov**

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: www.nycourts.gov/efile



# **NYSCEF Confirmation Notice**

## **Orange County Supreme Court**

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**EF002460-2024**

**Oral Clarke et al v. Town of Newburgh et al**  
**Assigned Judge: Mary Anne Scattaretico-Naber**

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**Kelly A. Eskew, County Clerk - [ccinfo@orangecountygov.com](mailto:ccinfo@orangecountygov.com)**

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# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

<b>Case Title:</b> Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		For Court of Original Instance	
ORAL CLARKE, ROMANCE REED, GRACE PEREZ, PETER RAMON, ERNEST TIRADO, and DOROTHY FLOURNOY  <div style="text-align: center;">- against -</div> TOWN OF NEWBURGH and TOWN BOARD OF THE TOWN OF NEWBURGH		<div style="text-align: center; height: 50px;">Date Notice of Appeal Filed</div>	
For Appellate Division			
Case Type	<input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration <input type="checkbox"/> Action Commenced under CPLR 214-g	<input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	Filing Type
<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278		<input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review	
<b>Nature of Suit:</b> Check up to three of the following categories which best reflect the nature of the case.			
<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input checked="" type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Informational Statement - Civil

Appeal	
Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment <input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment <input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: Supreme Court	County: Orange
Dated: 05/15/2025	Entered: 5/16/2025
Judge (name in full): Mary Anne Scattaretico-Naber	Index No.: EF002460-2024
Stage: <input checked="" type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
Prior Unperfected Appeal and Related Case Information	
Are any appeals arising in the same action or proceeding currently pending in the court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. 2024-11753 Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:	
Original Proceeding	
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:	
Proceeding Transferred Pursuant to CPLR 7804(g)	
Court: Choose Court	County: Choose County
Judge (name in full):	Order of Transfer Date:
CPLR 5704 Review of Ex Parte Order:	
Court: Choose Court	County: Choose County
Judge (name in full):	Dated:
Description of Appeal, Proceeding or Application and Statement of Issues	
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed. Appeal from the Order of the Hon. Mary Anne Scattaretico-Naber, J.S.C. of the Supreme Court of the State of New York, Orange County, dated May 15, 2025 (NYSCEF No. 196).	

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Defendants-Appellants seek an order reversing each and every portion of the Order dated May 15, 2025 (NYSCEF No. 196). The issues proposed to be raised on appeal concern the motion court's finding that the proper venue for this proceeding is Westchester County Supreme Court and ordering that this proceeding be transferred thereto.

### Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Oral Clarke	Plaintiff	Respondent
2	Romance Reed	Plaintiff	Respondent
3	Grace Perez	Plaintiff	Respondent
4	Peter Ramon	Plaintiff	Respondent
5	Ernest Tirado	Plaintiff	Respondent
6	Dorothy Flournoy	Plaintiff	Respondent
7	Town of Newburgh	Defendant	Appellant
8	Town Board of the Town of Newburgh	Defendant	Appellant
9			
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20			

## Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Bennet J. Moskowitz/Troutman Pepper Locke LLP

Address: 875 Third Avenue

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State: New York

Zip: 10022

Telephone No: (212) 704-6000

E-mail Address: bennet.moskowitz@troutman.com

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 7, 8

Attorney/Firm Name: Robert A. Spolzino/Abrams Fensterman

Address: 81 Main Street, Suite 400

City: White Plains

State: New York

Zip: 10601

Telephone No: (914) 607-7010

E-mail Address: rspolzino@abramslaw.com

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1, 2, 3, 4, 5, 6

Attorney/Firm Name:

Address:

City:

State:

Zip:

Telephone No:

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Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

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City:

State:

Zip:

Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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ORAL CLARKE, ROMANCE REED, GRACE  
PEREZ, PETER RAMON, ERNEST TIRADO,  
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OF THE TOWN OF NEWBURGH,

Defendants.

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**AFFIRMATION OF SERVICE**

Index No.: EF002460-2024

I, Bennet J. Moskowitz, an attorney duly admitted to practice in the State of New York, affirms pursuant to CPLR 2106 and subject to the penalties, that on May 16, 2025, I served via NYSCEF a copy of the Notice of Appeal and Appellate Division Information Statement upon all counsel of record.

Dated: New York, New York  
May 16, 2025

TROUTMAN PEPPER LOCKE LLP



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