

STATE OF NEW YORK COUNTY OF CHEMUNG  
SUPREME COURT

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**CHRISTOPHER J. MOSS**, in his official capacity as Chemung County Executive, and **M. HYDER HUSSAIN**, in his official Capacity as Chemung County Attorney;

Petitioners-Plaintiffs,

For a Judgement Pursuant to Article 78 and a Declaratory Judgment Pursuant to Section 3001 of the Civil Practice Law and Rules

-against-

**CHEMUNG COUNTY LEGISLATURE; JOHN C. PASTRICK**, in his official capacity as Chemung County Legislator; **DAVID L. MANCHESTER**, in his official capacity as Chemung County Legislator; **MARTIN D. CHALK**, in his official capacity as Chemung County Legislator; **L. THOMAS SWEET**, in his official capacity as Chemung County Legislator; **ROBERT BRIGGS**, in his official capacity as Chemung County Legislature; **JOSEPH C. BRENNAN**, in his official capacity as Chemung County Legislator; **WILLIAM MCCARTHY**, in his official capacity as Chemung County Legislator; **MARK MARGESON**, in his official capacity as Chemung County Legislator; **SCOTT DRAKE**, in his official capacity as Chemung County Legislator; **BRIAN HYLAND**, in his official capacity as Chemung County Legislator; **MICHAEL SMITH**, in his official capacity as Chemung County Legislator; **JOHN BURIN**, in his official capacity as Chemung County Legislator; **RODNEY J. STRANGE**, in his official capacity as Chemung County Legislator; **CHRISTINA SONSIRE**, in her official capacity as Chemung County Legislator; **PEGGY L. WOODARD**, in her official capacity as Chemung County Legislator; and **LINDA PALMER**, Clerk of the Chemung County Legislature, in her official capacity as Clerk, and **BRYAN MAGGS**, in his official capacity as Attorney for the Legislature and Special Districts,

Respondents-Defendants.

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**NOTICE OF AMENDED  
PETITION AND  
COMPLAINT**

Index No.: 2019-1251

RJI No.: 2019-0142-M

Hon. Eugene D. Faughnan

PLEASE TAKE NOTICE that, upon the Amended Verified Petition and Complaint, verified March 15, 2019, and the exhibits annexed thereto, along with the Affidavit of Robert S. Rosborough IV, sworn to March 15, 2019, and the accompanying memorandum of law in support thereof, and upon all prior pleadings and proceedings had herein, Petitioners-Plaintiffs Christopher J. Moss and M. Hyder Hussain (“Petitioners”) will move this Court, at the Chemung County Courthouse, located at 224 Lake Street, Elmira, New York 14902 on April 5, 2019 at 9:30 A.M., or as soon thereafter as counsel can be heard, as indicated in the Order to Show Cause signed by Justice Eugene D. Faughnan on March 8, 2019 and attached hereto, for a judgment pursuant to CPLR Article 78: (1) invalidating Resolutions 19-003 and 19-192 in their entirety, (2) declaring that the power to appoint an attorney to the position of Attorney for the Legislature and Special Districts within the Department of Law lies exclusively with the County Executive and County Attorney, (3) further declaring that the powers to prepare and draft resolutions, ordinances, and legalizing acts belong to the County Attorney under the County Charter and New York law, and (4) enjoining any further attempt by the County Legislature to appoint an Attorney for the Legislature and Special Districts or supplant the powers of the County Attorney by preparing resolutions, ordinances, and legalizing acts.


PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804 (e), Respondents are required to file with the answer a certified transcript of the record of the proceedings under consideration.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 506 (b) and 7804 (b). Petitioners designate Chemung County as the proper place of venue for this proceeding because Chemung County is located in the judicial district within which Respondents made the challenged determination.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804 (c), answering papers and cross-motions, if any, shall be served at least five (5) days before the aforesaid return date and a reply and supporting affidavits, if any, shall be served at least one day before such time.

Dated: March 15, 2019  
Albany, New York

WHITEMAN OSTERMAN & HANNA LLP

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