

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of

NYC FREEDOM TRAIL FOUNDATION INC.,

Petitioner,

**NOTICE OF CROSS-
MOTION TO DISMISS**

-against-

Index No.: 150659/2022

PUBLIC DESIGN COMMISSION OF THE CITY OF
NEW YORK,

Respondent.

For a Judgment Under Article 78 of the CPLR.

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PLEASE TAKE NOTICE that upon the annexed affirmation of Gati Dalal dated April 8, 2022, the exhibits annexed thereto, and the accompanying Memorandum of Law, dated April 8, 2022, the undersigned will cross-move before this Court in the Motion Support Part, Room 130 of the Courthouse located at 60 Centre Street, New York, New York 10007 on May 4, 2022, or as soon thereafter as parties can be heard, for an order dismissing the instant proceeding as against Respondent, Public Design Commission of the City of New York (“PDC”), pursuant to Rules 3211(a)(2), 3211(a)(5), 3211(a)(7), 306(b), and 7804(f) of the Civil Practice Law and Rules (“CPLR”) on the grounds that Petitioner’s claims against Respondent PDC are not ripe for review by this Court because there has not been a final administrative determination, and the claims are barred by the statute of limitations because Petitioner failed to timely serve Respondent in this matter.

PLEASE TAKE FURTHER NOTICE that in the event that the Court denies this cross-motion, the undersigned respectfully requests permission to serve an answer within forty-five (45) days from service of notice of entry of any such order.

Dated: New York, New York
April 8, 2022

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel
of the City of New York
Attorney for Respondent
100 Church Street, Room 5-154
New York, New York 10007

By: _____ /s/
Gati Dalal
Assistant Corporation Counsel