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RECEIVED
NYS OFFICE OF THE ATTORNEY GENERAL

SUPREME COURT-STATE OF NEW YORK
IAS PART-ORANGE COUNTY

JUL 10 2017

Present: HON. CATHERINE M. BARTLETT, A.J.S.C.

CLAIMS & LITIGATION
POUGHKEEPSIE OFFICE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X

In the Matter of the Application of

RENNIE HENRY, JR. – 97B0458

Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules

-against-

NYS DEPARTMENT OF CORRECTIONS
& COMMUNITY SUPERVISION,

Respondent.

-----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.3559/2017

Motion Date: July 5, 2017

The following papers numbered 1 to 4 were read in this CPLR Article 78 proceeding for a judgment directing that the New York State Department of Corrections and Community Supervision (“DOCCS”) provide the Commissioner’s Worksheets to Petitioner, when such document is requested, following Parole Board interviews:

Order to Show Cause – Verified Petition / Exhibits.....	1-2
Motion requesting that Petition be dismissed as moot.....	3
Letter and proposed Order.....	4

Upon the foregoing papers the petition is disposed of as follows:

Petitioner seeks a judgment pursuant to CPLR § 7804, directing that DOCCS provide him with his January 3, 2017 Commissioner’s Worksheet, which was denied pursuant to Public Officers Law § 87(b)(g) (inter-agency or intra-agency materials which are not statistical or factual tabulations).

Petitioner filed an Administrative Appeal on March 24, 2017, challenging their denial and that the Commissioner's Worksheet is not excludable under the exemptions pursuant to Public Officers Law §87(2)(g).

DOCCS Deputy Counsel Nancy J. Heywood on May 23, 2017, in response to the administrative appeal, agreed the Commissioner's Worksheet is not uniformly exempt from disclosure and provided Petitioner with a copy of his January 3, 2017 Commissioner's Worksheet.

Respondent on June 8, 2017 moved to dismiss the Petition as moot, by reason of administrative action (*See Matter of Lebron v. Goord*, 309 A.D.2d 1034 (3rd Dept. 2003)); (*Matter of Annucci v. Scully*, 183 A.D.2d 822 (2nd Dept. 1992))

It is therefore

ORDERED, JUDGED AND DECREED, that the Petition is dismissed as moot.

Dated: July 6, 2017
Goshen, New York

ENTER



HON. CATHERINE M. BARTLETT, A.J.S.C.

HON. C. M. BARTLETT
JUDGE NY STATE COURT OF CLAIMS
ACTING SUPREME COURT JUSTICE