

At a Special Term of the Supreme Court, held in and for the County of Onondaga, at the Onondaga County Courthouse, Syracuse, New York, on the 30th day of September, 1985.

PRESENT: HON. DONALD H. MILLER
Justice Presiding

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONONDAGA

In the Matter of the Application of
SYRACUSE & OSWEGO MOTOR LINES, INC.,
CENTRAL N.Y. COACH LINES, INC. and
ONONDAGA COACH CORPORATION,

Petitioners,

For a Judgment Pursuant to CPLR
Article 78

ORDER
Index No.
85-5409

-against-

WARREN H. FRANK as Executive Director
of The Central New York Regional
Transportation Authority, CENTRAL NEW
YORK REGIONAL TRANSPORTATION AUTHORITY,
CNY CENTRO, INC., CENTRO OF CAYUGA,
INC. and CENTRO OF OSWEGO, INC.,

Respondents.

Petitioners, by their attorneys, Bond, Schoeneck & King,
Donald S. DiBenedetto, Esq., of counsel, having moved before this
court for an Order pursuant to CPLR Article 78 vacating, overruling
and prohibiting the enforcement of a decision dated July 19, 1985 of
Warren H. Frank, the Executive Director of the Central New York Regional
Transportation Authority which denied Petitioners' requests for names

and addresses of the Respondents' charter customers, and Respondents, by their attorneys, Scolaro, Shulman, Cohen & Lawler, P.C., Barry M. Shulman, of counsel, having appeared in opposition thereto.

NOW, upon reading and filing the Notice of Petition and Petition, verified the 15th day of August by Russell Ferdinand on behalf of Petitioner Syracuse & Oswego Motor Lines, Inc., and on the 16th day of August by Donald S. DiBenedetto, Esq., on behalf of the other Petitioners, and upon reading and filing the affirmation of Donald S. DiBenedetto, in support thereof, and upon reading and filing the answer of Respondents thereto, the affidavit of J. Todd Plesko, sworn to the 20th day of September, 1985 and the affirmation of Barry M. Shulman, Esq., all in opposition thereto; and after having heard Donald S. DiBenedetto in support of said motion and Barry M. Shulman in opposition thereto at a Special Term of the Supreme Court held in and for the County of Onondaga at the Onondaga County Court House on the 30th day of September, 1985, and it appearing that the Respondents are protected by the provisions of Public Officer's Law §87(2)(d) from having to disclose the names and addresses of the Respondents' charter customers, and may deny Petitioners access to same, and it further appearing that the relief requested by Petitioners should in all respects be denied, it is

ORDERED, that the Petition herein be and the same hereby is in all respects dismissed and the relief sought therein in all respect denied.

Dated: *October 15, 1985*

Donald H. Miller
J. S. C.

E N T E R :