

**STATE OF NEW YORK  
LITIGATION COORDINATING PANEL**

Panel No.: 0002/2002

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

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In the Matter of the Application of  
DOMINION TRANSMISSION, INC.,

Petitioner,

vs.

TOWN OF ALLEN, TOWN OF ALLEN BOARD  
OF ASSESSMENT REVIEW, and DIANE CARNEY,  
TOWN OF ALLEN ASSESSOR,

and

TOWN OF ANGELICA, TOWN OF ANGELICA  
BOARD OF ASSESSMENT REVIEW, and ROBERT  
WILKINS, TOWN OF ANGELICA ASSESSOR,

and

TOWN OF PERRY, TOWN OF PERRY BOARD  
OF ASSESSMENT REVIEW, and VALERIE PIRDY,  
TOWN OF PERRY ASSESSOR,

Respondents.

To Review Real Property Assessments  
Pursuant to Article 7 of the Real  
Property Tax Law (2002).

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Index No.: I 2002-7852

Pending in the:  
Eighth Judicial District

Assigned Justice  
Hon. David J. Mahoney, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF MONROE

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In the Matter of the Application of  
DOMINION TRANSMISSION, INC.,

Petitioner,

vs.

Index No. I 2002-8925

TOWN OF CALEDONIA, TOWN OF  
CALEDONIA BOARD OF ASSESSMENT  
REVIEW, and KEVIN QUINLAN, TOWN OF  
CALEDONIA ASSESSOR,

and

TOWN OF YORK, TOWN OF YORK BOARD  
OF ASSESSMENT REVIEW, and KEVIN  
QUINLAN, TOWN OF YORK ASSESSOR,

Respondents.

To Review Real Property Assessments  
Pursuant to Article 7 of the Read  
Property Tax Law (2002)

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Pending in the:  
Seventh Judicial District

Assigned Justice:  
Hon. William P. Polito, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BROOME

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In the Matter of the Application of  
DOMINION TRANSMISSION, INC.

Petitioner,

vs.

Index No.: I 2002-1846

TOWN OF BIG FLATS, TOWN OF BIG FLATS  
BOARD OF ASSESSMENT REVIEW, and  
WILLIAM TORP, TOWN OF BIG FLATS  
ASSESSOR,

Pending in the:  
Sixth Judicial District

TOWN OF CORTLANDVILLE, TOWN OF  
CORTLANDVILLE BOARD OF ASSESSMENT  
REVIEW, and DAVID BRIGGS, TOWN OF  
CORTLANDVILLE ASSESSOR,

Assigned Justice:  
Hon. Walter J. Relihan, J.S.C.

TOWN OF DANBY, TOWN OF DANBY BOARD  
OF ASSESSMENT REVIEW, and VALERIA COGGIN,  
DIRECTOR OF ASSESSMENT, TOMPKINS COUNTY,

TOWN OF DRYDEN, TOWN OF DRYDEN BOARD  
OF ASSESSMENT REVIEW, and VALERIA COGGIN,  
DIRECTOR OF ASSESSMENT, TOMPKINS COUNTY,

TOWN OF EATON, TOWN OF EATON BOARD OF  
ASSESSMENT REVIEW, and PRISCILLA SUITS,  
TOWN OF EATON ASSESSOR,

and

TOWN OF NEWFIELD, TOWN OF NEWFIELD  
BOARD OF ASSESSMENT REVIEW, and VALERIA  
COGGIN, DIRECTOR OF ASSESSMENT, TOMPKINS  
COUNTY,

Respondents.

To Review Real Property Assessments  
Pursuant to Article 7 of the Real  
Property Tax Law (2002).

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA

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In the Matter of the Application of  
DOMINION TRANSMISSION, INC.,

Petitioner,

vs.

TOWN OF ELBRIDGE, TOWN OF ELBRIDGE  
BOARD OF ASSESSMENT REVIEW, and  
LAWRENCE FITTS, TOWN OF ELBRIDGE  
ASSESSOR,

Index No.: 2002-5286

TOWN OF FRANKFORT, TOWN OF FRANKFORT  
BOARD OF ASSESSMENT REVIEW, and MARY  
ANN BARBUTO, TOWN OF FRANKFORT  
ASSESSOR,

Pending in the:  
Fifth Judicial District

TOWN OF GERMAN FLATTS, TOWN OF GERMAN  
FLATTS BOARD OF ASSESSMENT REVIEW, and  
SUSAN MEEKER, TOWN OF GERMAN FLATTS  
ASSESSOR,

Assigned Justice:  
Hon. William R. Roy, J.S.C.

TOWN OF MARCELLUS, TOWN OF MARCELLUS  
BOARD OF ASSESSMENT REVIEW, and LAWRENCE  
FITTS, TOWN OF MARCELLUS ASSESSOR,

and

TOWN OF SCHROEPPPEL, TOWN OF SCHROEPPPEL  
BOARD OF ASSESSMENT REVIEW, and DAVID GRAY,  
TOWN OF SCHROEPPPEL ASSESSOR,

Respondents.

To Review Real Property Assessments  
Pursuant to Article 7 of the Real  
Property Tax Law (2002).

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SCHENECTADY

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In the Matter of the Application of  
DOMINION TRANSMISSION, INC.,

Petitioner,

vs.

Index No.: 2002-1451

TOWN OF CANAJOHARIE, TOWN OF  
CANAJOHARIE BOARD OF ASSESSMENT  
REVIEW, and JANICE RATHBUN,  
TOWN OF CANAJOHARIE ASSESSOR,

Pending in the:  
Fourth Judicial District

Assigned Justice:  
Hon. Vincent J. Reilly, Jr., J.S.C.

Respondents.

To Review Real Property Assessments  
Pursuant to Article 7 of the Real  
Property Tax Law (2002).

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**DECISION AND ORDER**

On this application, petitioner seeks coordination, pursuant to Section 202.69 of the Uniform Rules for the Trial Courts, of five separate proceedings instituted under Article 7 of the Real Property Tax Law seeking review and reduction of real property tax assessments with respect to properties on which are situated petitioner's gas transmission pipelines. The five proceedings are pending in the Fourth, Fifth, Sixth, Seventh and Eighth Judicial Districts and name 17 different municipalities as respondents.<sup>1</sup>

Respondents Town of Allen, Town of German Flatts, Town of German Flatts Board of Assessment Review, Susan Meeker, Town of German Flatts Assessor, and Valeria Coggin, Director of Assessment of Tompkins County have submitted opposition to the application. The Town of

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<sup>1</sup> Subsequently, a stipulation was filed discontinuing the proceeding under Index Number I 2002-8925 against the Town of Caledonia and Town of Caledonia Board of Assessment Review.

Perry submitted a letter stating that it does not oppose this application.

Petitioner contends that there are common issues of law and fact in the five proceedings, referring, among other things, to a system-wide study of its New York pipelines and questions concerning advisory appraisals by the State Office of Real Property Services.

The Litigation Coordinating Panel has considered the arguments presented by the interested parties to these proceedings and the standards for issuance of an order of coordination as set forth in Section 202.69 (b)(3). The Panel concludes that the application should be denied because distinctive factors outweigh any convenience to petitioners that coordination would serve. The proceedings involve multiple properties, each of which has its own characteristics and will generate separate and particularized discovery issues. This is so even if a study prepared by petitioner may be one item of discovery in these cases. The interests of the various municipalities and the burdens carried by them in each of these proceedings are sufficiently distinct on the facts before us as to require that these matters proceed on their own.

Therefore, it is hereby ORDERED that the application is denied. This constitutes the decision and order of the Panel.

Dated: November 26, 2002

  
HON. HELEN E. FREEDMAN  
Presiding Justice, First Department



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HON. RAYMOND E. CORNELIUS

Justice, Fourth Department

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HON. E. MICHAEL KAVANAGH

Justice, Third Department

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HON. JOSEPH J. MALTESE

Justice, Second Department

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HON. RAYMOND E. CORNELIUS  
Justice, Fourth Department

A large, stylized handwritten signature in black ink, appearing to read 'E. Michael Kavanagh', is written over the printed name below. To the right of the signature, the date '12/9/02' is handwritten in black ink.

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HON. E. MICHAEL KAVANAGH  
Justice, Third Department

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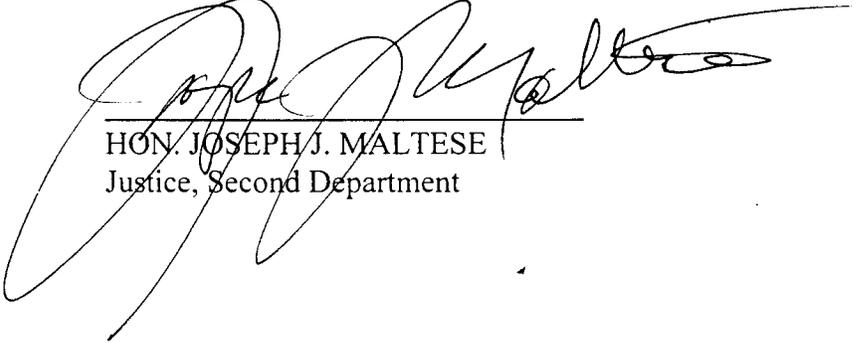
HON. JOSEPH J. MALTESE  
Justice, Second Department

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HON. RAYMOND E. CORNELIUS  
Justice, Fourth Department

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HON. E. MICHAEL KAVANAGH  
Justice, Third Department



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HON. JOSEPH J. MALTESE  
Justice, Second Department