

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 25-00153

PRESENT: LINDLEY, J.P., BANNISTER, OGDEN, AND NOWAK, JJ.

IN THE MATTER OF GREENIDGE GENERATION, LLC,
PETITIONER-APPELLANT,

V

ORDER

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, ACTING COMMISSIONER SEAN MAHAR,
IN HIS CAPACITY AS ACTING COMMISSIONER,
SENECA LAKE GUARDIAN, THE COMMITTEE TO PRESERVE
THE FINGER LAKES, AND SIERRA CLUB,
RESPONDENTS-RESPONDENTS.

BARCLAY DAMON LLP, ALBANY (YVONNE E. HENNESSEY OF COUNSEL), FOR
PETITIONER-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (BRIAN LUSIGNAN OF COUNSEL),
FOR RESPONDENT-RESPONDENT NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, ACTING COMMISSIONER SEAN MAHAR, IN HIS CAPACITY AS
ACTING COMMISSIONER.

EARTHJUSTICE, NEW YORK CITY (LISA K. PERFETTO OF COUNSEL), FOR
RESPONDENTS-RESPONDENTS THE COMMITTEE TO PRESERVE THE FINGER LAKES,
AND SIERRA CLUB.

WHITEMAN OSTERMAN & HANNA LLP, ALBANY (PHILIP H. GITLEN OF COUNSEL),
FOR RESPONDENT-RESPONDENT SENECA LAKE GUARDIAN.

Appeal from a judgment (denominated judgment and order) of the
Supreme Court, Yates County (Vincent M. Dinolfo, J.), entered November
14, 2024, in a proceeding pursuant to CPLR article 78. The judgment,
inter alia, annulled the denial of petitioner's application to renew
its Clean Air Act Title V permit.

Now, upon reading and filing the stipulation of discontinuance
signed by the attorneys for the parties on November 28, 2025,

It is hereby ORDERED that said appeal is unanimously dismissed
without costs upon stipulation.

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court