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## DEPARTMENT OF LAW

### MEMORANDUM

To: Putnam County Board of Legislators

From: C. Compton Spain, County Attorney *CS (Jr)*  
John B. Cherico, First Deputy County Attorney *JBC*

Date: July 27, 2023

Re: New York City Migrant Relocation Litigation – Putnam County Petition Dismissal

As you are aware, Putnam County, as one of the many counties impacted by New York City's unilateral decision to relocate migrants outside of New York County without contribution or input from the respective counties they were being relocated to, was one of many respondents in litigation commenced in Supreme Court, New York County. Confident in the strength of its position, both legally and factually, from the onset, Putnam County aggressively defended this action seeking to have New York City's petition dismissed as against it on jurisdictional grounds once an answer had been filed.

At the County Executive's request, due to the high-profile nature of this litigation, I am pleased to now share with you that in his Decision and Order on Motion dated July 26, 2023 (a copy of which is annexed hereto), the Honorable Lyle E. Frank, Supreme Court Justice ordered that New York City's petition as against the County of Putnam, as well as Kevin M. Byrne, in his official capacity as County Executive of Putnam County, be "dismissed in its entirety" and further "that any relief not addressed specifically herein is expressly denied." In addition to the obvious benefit of the action against Putnam County being dismissed, this can be used by other Respondents in their respective venues as persuasive. Specifically, since the New York Supreme Court denied the preliminary injunction, this will allow them to argue that such decision in favor of Putnam County is now the law of the case and as such other jurisdictions must dismiss as well.

Needless to say, a dismissal at this early stage saves time and resources that can be directed elsewhere. Simply put (pardon the colloquialism) this dismissal is a win-win all around for Putnam County.

/jbc

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*\*This office will not accept service via facsimile*