

## Lippes Mathias Secures Significant Appellate Victory for Waste Management of New York, LLC



August 12, 2024 | **PRESS RELEASES**

Lippes Mathias today announced a significant legal victory achieved by a litigation team led by Kelly S. Foss, a partner with the firm's business & commercial litigation practice team, on behalf of our client, Waste Management of New York, LLC, in the New York State Appellate Division, Fourth Department.

In the first case filed under New York's environmental rights amendment (also known as the green amendment), a plaintiff citizens group requested that the court order the New York State Department of Environmental Conservation (NYSDEC) to shut down Waste Management's private landfill and revoke its environmental permits. A lower court judge originally denied Waste Management's and NYSDEC's motions to dismiss, but the appellate court reversed and dismissed the plaintiff's claim altogether, agreeing with Foss' team's argument that the judiciary lacks authority to issue mandamus orders compelling administrative agencies to take discretionary enforcement action.

### About Kelly S. Foss

Kelly S. Foss, a partner, has been recognized among The Best Lawyers in America® since 2021. In addition to her work for Waste Management, Kelly represents clients in connection with complex contract disputes including

disputes over ownership interests in closely-held businesses, disputes involving life settlements, anti-compete clauses and business torts, and challenges to decisions of various administrative agencies (including under Article 78). Read more about Foss on her bio page [HERE](#).

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**DEFENDANT-APPELLANT-RESPONDENT WASTE  
MANAGEMENT OF NEW YORK, L.L.C.'S REPLY  
BRIEF AND RESPONSE TO PLAINTIFF-  
RESPONDENT-APPELLANT**

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Monroe County Clerk's Index No. E2022000699

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#### **About Lippes Mathias LLP**

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# Related Team



**Kelly S. Foss**

Partner