

State of New York, County of

ss.:

Index No. Suffolk 04-27553

being duly sworn, deposes and says: that deponent is not a party to the action, is over 18 years of age and resides at 21 Herford Road, Great Neck, NY 11021 That on the 14th day of November, 2005 deponent served the within notice of appeal on

attorney(s) for **see attached list** herein, at his office at during his absence from said office

of same, enclosed in a sealed wrapper directed to said attorney(s), in the office letter drop or box

Sworn to before me this 14th day of November, 2005

Observed signed by

Jason B. Kolodny, Esq.

State of New York, County of

ss.:

being duly sworn, deposes and says: that deponent is not a party to the action, is over 18 years of age and resides at

That on the day of deponent served the within notice of appeal on

attorney(s) for

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in a post office official depository under the exclusive care and custody of the United States Postal Service within New York State

Sworn to before me, this day of

19

Town of Montauk, Inc. Petitioner
-against-

Hon. George E. Pataki, Esq., Governor of the State of New York and, The People of the State of New York Met in Assembly, and The Town Board gov't of the Town of East Hampton, and The Trustees of the Freeholders and Commonalty of the Town of Easthampton, and The Suffolk County Water Authority, inc., and The County of Suffolk, and The Brooklyn Historical Society, Inc., and 511 Equities, Inc., and The Nature Conservancy, Inc., Respondents

Notice of Appeal

Jason B. Kolodny, Esq.

Attorney(s) for Appellant
21 Herford Road
Great Neck, NY 11021
Office and Post Office Address

Service of a notice of appeal of which the within is a copy admitted this day of 19

Attorney(s) for Respondent



Town of Montauk, Inc.	Petitioner
-against-	
Hon. George E. Pataki, Esq., Governor of the State of New York and, The People of the State of New York Met in Assembly, and The Town Board gov't of the Town of East Hampton, and The Trustees of the Freeholders and Commonalty of the Town of East Hampton, and The Suffolk County Water Authority, inc., and The County of Suffolk, and The Brooklyn Historical Society, Inc., and 511 Equities, Inc., and The Nature Conservancy, Inc.	
	Respondents

Index No. 04-27553

CPLR 5701(1); NY Const 5(b)

CPLR 7803 (2)

NOTICE OF APPEAL

PLEASE TAKE NOTICE, that the above named

PETITIONER, Incorporated Township of Montauk

hereby appeal(s) to

Supreme Court, Appellate Division, Second Judicial Department

from the Order of the Supreme

Court of Daniel J. Loughlin, J.S.C., in Riverhead, Long Island of the Clerk of said Court

in this action, entered in the office

on the 11th day of July, 2005

and transferred by order of the New York State Supreme Court, Court of Appeals dated October 27th, 2005, pursuant to New York Constitution article VI § 5[b] subsequent to the court's determination that "a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (citing NY Const. art VI, § 3[b] {2}; CPLR 5601 [b] {2}).

and from each and every part thereof.

Dated: 11/14/05

JASON B. KOLODNY, Esq.

Yours, etc.,

Jason B. Kalodny, Esq.

Attorney(s) for Petitioner and Appellant

To Hon. Elliot G. Spitzer, Esq., Attorney General of the State of New York, for Gov. Pataki & New York Assembly, and to other counsel for respondents (see list attached).

Attorney(s) for (see list) and Respondent:

SUPREME COURT - STATE OF NEW YORK
I.A.S. PART 12 - SUFFOLK COUNTY

PRESENT:

Hon. DANIEL J. LOUGHJIN
Justice of the Supreme Court

MOTION DATE 4/29/05
ADJ. DATE 5/5/05
Mot. Seq. #004 MD
Mot. Seq. #005 MD

-----X	
In the Matter of the Application of	: STEPHEN G. COURT, ESQ.
TOWN OF MONTAUK, INC.,	: Attorney for Petitioner
	: 50 Danes Street
	: Patchogue, NY 11772
	:
Petitioner,	: CHRISTINE MALAFI, ESQ.
	: SUFFOLK COUNTY ATTORNEY'S OFFICE
	: H. Lee Dennison Building
- against -	: 100 Veterans Memorial Highway
	: Hauppauge, NY 11788
	:
	: CULLEN & DYKMAN, LLP
	: Attorneys for The Brooklyn Historical Society
HON. GEORGE E. PATAKI, ESQ.,	: 100 Quentin Roosevelt Blvd.
GOVERNOR OF THE STATE OF NEW YORK,	: Garden City, NY 11530-4850
and THE PEOPLE OF THE STATE OF NEW	:
YORK MET IN ASSEMBLY, and THE TOWN	: JOHN T. McCARRON, PC
BOARD GOV'T OF THE TOWN OF EAST	: Attorney for Suffolk County Water Authority
HAMPTON, and THE TRUSTEES OF THE	: 200 BROADHOLLOW ROAD, SUITE 207
FREEHOLDERS AND COMMONALTY OF	: MELVILLE, NY 11747
THE TOWN OF EASTHAMPTON, and THE	:
SUFFOLK COUNTY WATER AUTHORITY,	:
INC., and THE COUNTY OF SUFFOLK, and	:
THE BROOKLYN HISTORICAL SOCIETY, INC.,	:
and 511 EQUITIES, INC., and THE NATURE	:
CONSERVANCY, INC.,	:
	:
Respondents.	:
	:
-----X	


Upon the following papers numbered 1 to 9 read on this petition and motion to dismiss; Notice of Motion/ Order to Show Cause and supporting papers 1 - 4; Notice of Cross Motion and supporting papers 5 - 7; Answering Affidavits and supporting papers 8 - 9; Replying Affidavits and supporting papers _____; Other _____; (and after hearing counsel in support and opposed to the motion) it is,

ORDERED, that the amended petition is denied; and it is further

ORDERED, that the cross-motion to dismiss by the County of Suffolk is denied without prejudice as the affidavit of service indicates that the cross-motion was served upon the petitioner's former attorney.

The amended petition, which is largely incomprehensible, appears to be more in the nature of a plenary action rather than a CPLR Article 78 proceeding. To the extent that the petition seeks any immediate relief under Article 78, the petitioner has failed to establish its entitlement to any such relief. Accordingly, the petition is denied.

Dated: June 20, 2005



DANIEL J. LOUGHLIN, J.S.C.



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207-1095*

October 27, 2005

Jason B. Kolodny, Esq.
21 Hereford Road
Great Neck, New York 11021

Re: Town of Montauk, Inc. v Pataki, Motion No. 05/1089

Dear Mr. Kolodny:

Enclosed is this Court's order and decision in the above-referenced appeal. The transfer of the appeal does not relieve appellant of responsibility to timely pursue the appeal, if desired, to the Appellate Division. You may wish to contact the Clerk of the Appellate Division, Second Department regarding the appropriate procedure to follow in that court.

Very truly yours,

A handwritten signature in cursive script that reads "Stuart M. Cohen".

Stuart M. Cohen

HD:jh

Enc.

cc: Hon. Eliot Spitzer
Christine Malafi, Esq.
Cullen & Dukman, LLP
John T. McCarron, P.C.
Greg Allen, Esq.
Cahn & Cahn, LLP
John Courtney, Esq.
511 Equities Corp.
Brooklyn Historical Society
William J. Fleming, Esq.

**State of New York,
Court of Appeals**

*At a session of the Court, held at Court of
Appeals Hall in the City of Albany
on the twenty-seventh day
of October 2005*

Present, HON. JUDITH S. KAYE, *Chief Judge, presiding.*

Mo. No. 1089 SSD 57
In the Matter of Town of Montauk,
Inc.,

Appellant,

v.

Hon. George E. Pataki, Esq.,
Governor of the State of New
York, et al.,

Respondents.

The appellant having filed notice of appeal in the above title and due consideration having been thereupon had, it is ORDERED, that the appeal be and the same hereby is transferred without costs, by the Court sua sponte, to the Appellate Division, Second Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (NY Const. art VI, §§ 3[b](2), 5[b]; CPLR 5601 [b](2)).

Stuart M. Cohen
Stuart M. Cohen
Clerk of the Court

Hon. Elliot Spitzer, Esq.
Attorney General of the State of New York
c/o Solicitor General
Department of Law
NYS Capitol Building
Albany, NY 12207
(518) 474-7330

Richard Cahn, Esq.
Cahn & Cahn, LLP
Attorneys for the town board government
of Easthampton,
425 Broad Hollow Road - Suite 315
Melville, N.Y. 11747
(516) 752-1600

Mr. John Courtney, Esq.
Attorney for the Trustees of the freeholders
and commonalty of the town of
Easthampton
P.O. Box 720
Amagansett, NY 11930
(631) 267-6161

Ms. Christine Malafi, Esq.
Suffolk County Attorney
H. Lee Dennison Building
100 Veterans Memorial Hwy
PO Box 6100
Hauppauge, New York 11788
(631)853-4049 FAX (631)853-5169

Mr. Peter J. Mastaglio, Esq
Attorney for the Brooklyn Historical Society
Cullen & Dykman, LLP
Garden City Center
100 Quentin Roosevelt Boulevard
Garden City, New York 11530-4850

John T. McCarron, Esq.
Attorney for Suffolk County Water
Authority
200 Broadhollow Road, Suite 207
Melville, New York 11747
(631) 694-6500

511 Equities, Corp.
A.K.A. Montauk Improvement Corp.
511 5th Ave
New York, NY 10018
(212) 578-1699

William J. Fleming, Esq.
Attorney for the Nature Conservancy, Inc.
46 Newtown Lane, Suite 3
East Hampton, NY 11937-2405
(631) 324 8778

Supreme Court of the State of New York
Appellate Division : Second Judicial Department

Form A - Request for Appellate Division Intervention - Civil

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

Case Title		For Court of Original Instance			
The Town of Montauk, Inc. Petitioner -against- Hon. George E. Pataki, Esq., Governor of the State of New York and, The People of the State of New York Met in Assembly, and The Town Board gov't of the Town of East Hampton, and The Trustees of the Freeholders and Commonalty of the Town of Easthampton, and The Suffolk County Water Authority, Inc., and The County of Suffolk, and The Brooklyn Historical Society, Inc., and 511 Equities, Inc., and The Nature Conservancy, Inc. Respondents		Date Notice of Appeal Filed			
Case Type <input type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration		Case Type <input checked="" type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding			
Appellate Division <input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR 5704 Review		For Appellate Division			
A. Administrative Proceedings		D. Domestic Relations			
<input type="checkbox"/> 1 Freedom of Information Law <input type="checkbox"/> 2 Human Rights <input type="checkbox"/> 3 Licenses <input type="checkbox"/> 4 Public Employment <input type="checkbox"/> 5 Social Services <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 Adoption <input type="checkbox"/> 2 Attorney's Fees <input type="checkbox"/> 3 Children - Support <input type="checkbox"/> 4 Children - Custody/Visitation <input type="checkbox"/> 5 Children - Terminate Parental Rights <input type="checkbox"/> 6 Children - Abuse/Neglect <input type="checkbox"/> 7 Children - JDP/INS <input type="checkbox"/> 8 Equitable Distribution <input type="checkbox"/> 9 Exclusive Occupancy of Residence <input type="checkbox"/> 10 Expert's Fees <input type="checkbox"/> 11 Maintenance/Alimony <input type="checkbox"/> 12 Marital Status <input type="checkbox"/> 13 Paternity <input type="checkbox"/> 14 Spousal Support <input type="checkbox"/> 15 Other	E. Prisoners			
B. Business & Other Relationships		F. Real Property			
<input type="checkbox"/> 1 Partnership/Joint Venture <input type="checkbox"/> 2 Business <input type="checkbox"/> 3 Religious <input type="checkbox"/> 4 Not-For-Profit <input type="checkbox"/> 5 Other	<input type="checkbox"/> 1 Condemnation <input checked="" type="checkbox"/> 2 Determine Title <input type="checkbox"/> 3 Easements <input type="checkbox"/> 4 Environmental <input type="checkbox"/> 5 Liens <input type="checkbox"/> 6 Mortgages <input type="checkbox"/> 7 Partition <input type="checkbox"/> 8 Rent <input checked="" type="checkbox"/> 9 Taxation <input checked="" type="checkbox"/> 10 Zoning <input type="checkbox"/> 11 Other	<input type="checkbox"/> 1 Assault, Battery, False Imprisonment <input type="checkbox"/> 2 Conversion <input type="checkbox"/> 3 Defamation <input type="checkbox"/> 4 Fraud <input type="checkbox"/> 5 Intentional Infliction of Emotional Distress <input type="checkbox"/> 6 Interference with Contract <input type="checkbox"/> 7 Malicious Prosecution/Abuse of Process <input type="checkbox"/> 8 Malpractice <input type="checkbox"/> 9 Negligence <input type="checkbox"/> 10 Nuisance <input type="checkbox"/> 11 Products Liability <input type="checkbox"/> 12 Strict Liability <input type="checkbox"/> 13 Trespass and/or Waste <input type="checkbox"/> 14 Other			
C. Contracts		G. Statutory			
<input type="checkbox"/> 1 Brokerage <input type="checkbox"/> 2 Commercial Paper <input type="checkbox"/> 3 Construction <input type="checkbox"/> 4 Employment <input type="checkbox"/> 5 Insurance <input checked="" type="checkbox"/> 6 Real Property <input type="checkbox"/> 7 Sales <input type="checkbox"/> 8 Secured <input type="checkbox"/> 9 Other	<input type="checkbox"/> 1 City of Mount Vernon Charter §§ 120, 127-f, or 129 <input type="checkbox"/> 2 Eminent Domain Procedure Law § 207 <input type="checkbox"/> 3 General Municipal Law § 712 <input type="checkbox"/> 4 Labor Law § 220 <input type="checkbox"/> 5 Public Service Law §§ 128 or 170 <input type="checkbox"/> 6 Other		H. Wills & Estates		
E. Miscellaneous		<input type="checkbox"/> 1 Constructive Trust <input type="checkbox"/> 2 Debtor & Creditor <input checked="" type="checkbox"/> 3 Declaratory Judgment <input type="checkbox"/> 4 Election Law <input type="checkbox"/> 5 Notice of Claim <input type="checkbox"/> 6 Other		<input type="checkbox"/> 1 Accounting <input type="checkbox"/> 2 Discovery <input type="checkbox"/> 3 Probate/Administration <input type="checkbox"/> 4 Trusts <input type="checkbox"/> 5 Other	

Appeal			
Paper Appealed From (check one only):			
<input type="checkbox"/> Amended Decree	<input type="checkbox"/> Determination	<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Resettled Order
<input type="checkbox"/> Amended Judgment	<input type="checkbox"/> Finding	<input type="checkbox"/> Order & Judgment	<input type="checkbox"/> Ruling
<input type="checkbox"/> Amended Order	<input type="checkbox"/> Interlocutory Decree	<input type="checkbox"/> Partial Decree	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Decision	<input type="checkbox"/> Interlocutory Judgment	<input type="checkbox"/> Resettled Decree	
<input type="checkbox"/> Decree	<input type="checkbox"/> Judgment	<input type="checkbox"/> Resettled Judgment	
Court: Supreme Court	County: Suffolk		
Dated: June 20, 2005	Entered: July 11, 2005		
Judge (name in full): Daniel J. Loughlin, J.S.C.	Index No.: 04-07553		
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final			
Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury			
Prior Unperfected Appeal Information			
Are any unperfected appeals pending in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? <input type="checkbox"/> Yes <input type="checkbox"/> No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:			
Original Proceeding			
Commenced by <input type="checkbox"/> Order to Show Cause <input checked="" type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus			Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:			
Proceeding Transferred Pursuant to CPLR 7804(g)			
Court: N/A	County:		
Judge (name in full):	Order of Transfer Date:		
CPLR 5704 Review of Ex Parte Order			
Court: N/A	County:		
Judge (name in full):	Dated:		
Description of Appeal, Proceeding or Application and Statement of Issues			
<p>Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed. The June 20th order appealed from denied the Amended Petition entered to commence the proceeding without hearings or motions on the ground that corporate petitioner with a board containing a majority of Montauk property owners "has failed to establish its entitlement to such relief." The object of the proceeding is to restrain and prohibit bodies or officers, either legal or presumed, from exercising governmental powers over Montauk without legal or constitutional warrant in violation of, the 1686 Dongan Patent, Chapter 2 of the laws of 1691, Chapter 139 of the laws of 1852, and historic decisions of the N.Y. Supreme Court.</p> <p>Amount: If an appeal is from a money judgment, specify the amount awarded.</p> <p>Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.</p> <p>The issues raised are the absence of ANY legal or Constitutional basis for the Town of Easthampton's claim to govern Montauk, and the enabling and support of the usurpation of Montauk taxpayer's franchise right to tax and to govern by the State of New York and subordinate jurisdictions, authorities and corporations that has, in effect, enabled the unlawful taking of and injury to Montauk's real and personal property commonwealth.</p> <p>Petitioner further asserts that the rights suppressed under the 1686 charter covering Montauk township are fundamental rights of sovereignty in the making and administering of law.</p>			

Leave this space blank.

Issues Continued: Pursuant to court instructions, this appeal is made without payment of fee, or submission of certified record or brief. Petitioner seeks a hearing upon the issue of Easthampton's claim of the power to make and administer Montauk's local law, or collect it's taxes, or control its land use, or to police Montauk's streets. When it is demonstrated to the court that town board government of the Town of Easthampton is usurping Montauk taxpayers franchise right to govern, Petitioner prays for the orderly application to disengage the usurping entity from from Montauk lands preliminary to remanding this matter for futher process and trial.

Petitioner herewith re-enters its prior affirmation that due to the commercial nature of the usurpation of a significant franchise, together with its extraordinary complexity, that this matter be remanded for further process and trial by assignment to the Suffolk County Commercial Division (AS Part 44.

Use Form 8 for Additional Appeal information

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

Examples of a party's original status include plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

No.	Party Name	Original Status	Appellate Division Status
1	Town of Montauk, Inc.	Petitioner	Appellant
2	Hon. George E. Pataki, Gov.	Respondent	Respondent
3	New York State Assembly	"	"
4	Town Board Gov't, Easthampton	"	"
5	Trustees, Town of Easthampton	"	"
6	Suffolk County Water Authority	"	"
7	The County of Suffolk	"	"
8	The Brooklyn Historical Society	"	"
9	511 Equities, Inc.	"	"
10	The Nature Conservancy, Inc.	"	"
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13			
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20			

Attorney Information

Instructions: Fill in the names of the attorneys or firms of attorneys for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: **Jason B. Kolodny, Esq.**
 Address: **21 Herford Road**
 City: **Great Neck** State: **NY** Zip: **11021** Telephone No.: **(516)661-9418**
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): **1**

Attorney/Firm Name: **Hon. Elliot Spitzer, Esq. Attorney General of the State of New York**
 Address: **The Capitol, c/o Solicitor General, Dept. of Law**
 City: **Albany** State: **NY** Zip: **12224-0341** Telephone No.: **(518)474-7330**

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): **2 3**

Attorney/Firm Name: **Richard Cahn, Esq. / Cahn & Cahn, LLP**
 Address: **425 Broadhollow Road - Suite 315**
 City: **Melville** State: **NY** Zip: **11747** Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): **4**

Attorney/Firm Name: **John Courtney, Esq. / Trustees Freeholders of East Hampton**
 Address: **P.O. Box 720**
 City: **Amagansett,** State: **NY** Zip: **11930** Telephone No.: **(631)267-6161**

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): **5**

Attorney/Firm Name: **John T. McCarron, Esq / Suffolk County Water Authority**
 Address: **200 Broadhollow Road - Suite 207**
 City: **Melville** State: **NY** Zip: **11747** Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): **6**

Attorney/Firm Name: **Christine Malafi, Esq / Suffolk County Attorney**
 Address: **100 Vets Memorial Hgwy - P.O. Box 6100**
 City: **Hauppauge** State: **NY** Zip: **11788** Telephone No.: **(631)853-4049**

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above or from Form C): **7**

Use Form C for Additional Party and/or Attorney Information

The use of this form is explained in § 670.3 of the rules of the Appellate Division, Second Department (22 NYCRR 670.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention (Form A, this document), (2) any required Additional Appeal Information Forms (Form B), (3) any required Additional Party and Attorney Information Forms (Form C), (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.

Attorney Information

Instructions: Fill in the names of the attorneys or firms of attorneys for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: **Peter J. Mastaglio, Esq. / Cullen and Dykman, LLP**
 Address: **Garden City Center, 100 Quentin Roosevelt Boulevard**
 City: **Garden City** State: **NY** Zip: **11530-4850** Telephone No.:
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number(s) from table above or from Form C): **8**

Attorney/Firm Name: **Attorney yet to appear / 511 Equities Corporation**
 Address: **511 5th Ave**
 City: **New York** State: **NY** Zip: **10018** Telephone No.:
 Attorney Type: **NONE** Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number(s) from table above or from Form C): **9**

Attorney/Firm Name: **William J. Fleming, Esq. / The Nature Conservancy, Inc.**
 Address: **46 Newtown Ave - Suite 3**
 City: **East Hampton** State: **NY** Zip: **11937** Telephone No.: **(631)324-8778**
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number(s) from table above or from Form C): **10**

Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number(s) from table above or from Form C):

Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number(s) from table above or from Form C):

Attorney/Firm Name:
 Address:
 City: State: Zip: Telephone No.:
 Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice
 Party or Parties Represented (set forth party number(s) from table above or from Form C):

Use Form C for Additional Party and/or Attorney Information

The use of this form is explained in § 870.3 of the rules of the Appellate Division, Second Department (22 NYCRR 870.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention (Form A, this document), (2) any required Additional Appeal Information Forms (Form B), (3) any required Additional Party and Attorney Information Forms (Form C), (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.