

STATE OF NEW YORK
COURT OF APPEALS

TOWN OF MONTAUK,

NOTICE OF ENTRY

Appellant,

v.

HON. LORRAINE CORTEZ-VASQUEZ, as Secretary
of State of the State of New York, with control of, and
responsibility for, the Division of Corporations of the
Department of State,

Respondent.

SSD No. 48
Alb. Co. Index No. 6703-10
OAG No. 10-118155

PLEASE TAKE NOTICE that the within is a true and complete copy of
the ORDER OF TRANSFER duly entered in the above- entitled matter in the
Court of Appeals on September 12, 2013.

Dated: Albany, New York
September 25, 2013

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for Respondent
The Capitol
Albany, New York 12224

By: Allyson B. Levine
ALLYSON B. LEVINE
Assistant Solicitor General,
of Counsel
Telephone (518) 473-6948

To: Mr. Robert A. Ficalora
145 Avenue of the Americas
#3C
New York, New York 10013

State of New York

Court of Appeals

*Decided and Entered on the
twelfth day of September, 2013*

Present, HON. JONATHAN LIPPMAN, *Chief Judge, presiding.*

SSD 48

Town of Montauk,

Appellant,

v.

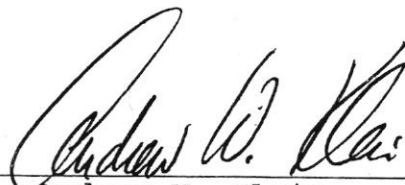
Hon. Lorraine Cortez-Vasquez, as
Secretary of State of the State
of New York, with control of, and
responsibility for, the Division
of Corporations of the Department
of State,

Respondent.

Appellant having appealed to the Court of Appeals in the
above title;

Upon the papers filed and due deliberation, it is

ORDERED, that the appeal is transferred without costs,
by the Court sua sponte, to the Appellate Division, Third
Department, upon the ground that a direct appeal does not lie
when questions other than the constitutional validity of a
statutory provision are involved (see NY Const, art VI,
§§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]).



Andrew W. Klein
Clerk of the Court



*State of New York
Court of Appeals*

*Andrew W. Klein
Chief Clerk and
Legal Counsel to the Court*

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

Decided September 12, 2013

SSD 48

Town of Montauk,
Appellant,

v.

Hon. Lorraine Cortez-Vasquez, as Secretary of
State of the State of New York, with control of,
and responsibility for, the Division of
Corporations of the Department of State,
Respondent.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, Third Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (see NY Const, art VI, §§ 3[b][2], 5[b]; CPLR 5601[b][2]).