

STATE OF NEW YORK
COUNTY OF ALBANY
SUPREME COURT

TOWN OF MONTAUK

Plaintiff

vs

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,*

Defendant

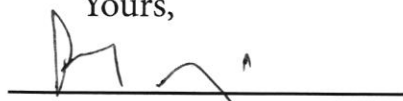
Notice of Entry

Index no. 6703-2010

PLEASE TAKE NOTICE THAT THE ATTACHED IS A TRUE COPY OF A DECISION AND ORDER IN THIS MATTER THAT WAS ENTERED IN THE OFFICE OF THE CLERK OF THE NEW YORK STATE SUPREME COURT, COURT OF APPEALS IN ALBANY COUNTY, ON THE 12TH DAY OF SEPTEMBER, 2013.

DATED: OCTOBER 6TH, 2013

Yours,



Robert A. Ficalora

acting Supervisor

Township of Montauk, Plaintiff

PO BOX 2612 Montauk, NY 11954

Efax: 631-614-4319

Hon. Eric T. Schneiderman
Attorney General for Defendant
The Capitol
Albany, New York 12223

Steven J. Sherlock, Esq.
Attorney for Plaintiff
1012 Route 211 E
Middletown, NY 10941

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,

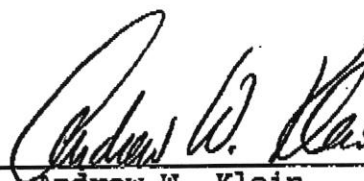
v.

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