



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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November 22, 2011

Hon. Melvin Tanenbaum  
Justice  
Suffolk County Supreme Court  
One Court Street  
Riverhead, New York 11901

RE: The Seaview at Amagansett, Ltd, et al. v. Town of Montauk, et al.  
Index No. 09-34714  
OAG No. 11-134641

Dear Justice Tanenbaum:

This will acknowledge receipt of the papers forwarded to us in the above-mentioned matter pursuant to the notice requirements of Executive Law § 71 and C.P.L.R. 1012(b)(1) because they purportedly raise a constitutional challenge to a state statute.

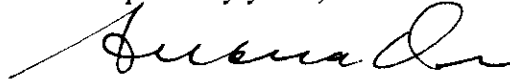
Please be advised that, after careful consideration, we have determined that we will not participate in the above-entitled matter at this time. Because there are many reasons why the Office of the Attorney General may decide not to participate, we respectfully suggest that no adverse inference regarding our view of the merits of the case or the nature of the State's interest should be drawn from our non-participation at this stage.

We may choose to intervene for purposes of defending the constitutionality of the statute at a later appellate stage. We note that, pursuant to Executive Law § 71 and CPLR § 1012(b)(1), if this matter is appealed, the Office of the Attorney General must receive another notification of the constitutional challenge. We also would appreciate being advised of any final decision.

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Thank you. Please do not hesitate to call me at (518) 474-7138 if you have any questions.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Andrea Osler", written in a cursive style.

ANDREA OSER  
Deputy Solicitor General

cc: Robert A. Ficalora  
MFOP/Montauk Trustee Corp.  
2922 Lovers Lane  
University Park, TX 75225