

Bob Ficalora

From: Bob Ficalora [bobfic@montauk.com]
Sent: Tuesday, July 12, 2005 11:02 PM
To: 'Stephen G. Court, Esq'
Cc: Bob Ficalora; Carla Grimm; Carolyn Carson; Connie Judson; Helen Ficalora; Jay Sayers; Nancy Woodward; Richard Monahan; Stuart Bennett Vorpahl; William Grimm; "Caitlin Halligan (Business Fax)"@mta1.srv.hcvlny.cv.net; "Christine Malafi (Business Fax)"@mta1.srv.hcvlny.cv.net; "Dennis J. McElligott (Business Fax)"@mta1.srv.hcvlny.cv.net; "John Courtney (FAX) (Business Fax)"@mta1.srv.hcvlny.cv.net; "Jonathan Kaledin (Business Fax)"@mta1.srv.hcvlny.cv.net; "Laura Molinari (FAX) (Business Fax)"@mta1.srv.hcvlny.cv.net; "Peter J. Mastaglio Esq. (Business Fax)"@mta1.srv.hcvlny.cv.net; "Richard Cahn Esq. (Business Fax)"@mta1.srv.hcvlny.cv.net; "Stephen G. Court Esq. (Business Fax)"@mta1.srv.hcvlny.cv.net; "Tim Hopkins (Business Fax)"@mta1.srv.hcvlny.cv.net; "Timothy Dewhurst (Business Fax)"@mta1.srv.hcvlny.cv.net
Subject: RE: Notice of Entry
Importance: High

No! Steve, we are not appealing to the Appellate Division, we are appealing to the Court of Appeals.

Although your letter is irrelevant because it is not used in bringing an appeal to the Appellate Division it creates a problem of intent and must be retracted. You were not authorized to send the letter to Judge Loughlin, especially as it contradicts my explicit instructions to you.

You will retract your letter and explain that we will be appealing to the Court of Appeals. If you wish to resign as our counsel you are, of course, free to do so. All that I ask is that you provide an invoice for your services and refund any balance in the \$1,000 expense account and return the scanner.

Please have the courtesy to call me on the phone as requested. You are hereby and herewith instructed to forward the above retraction and explanation. We will be appealing to the Court of Appeals.

Robert A. Ficalora
 Chief Executive Officer
 Town of Montauk, Inc.

Cc: Efax to respondents.

From: Stephen G. Court, Esq [mailto:courtlaw@optonline.net]
Sent: Friday, August 12, 2005 10:35 PM
To: bobfic@montauk.com
Subject: Re: Notice of Entry

Hi Bob

I haven't been ignoring you. Just another busy week! I am working 4 days per week for a law firm plus my stuff on the side.

I should have an opportunity to review all your emails by the end of the week.

I served the notice of appeal. Copy attached hereto

- Steve

7/14/2005

STEPHEN G. COURT, ESQ.
50 Danes Street
Patchogue, NY 11772
(631) 758-2352 (ph) , (631) 730-5480 (fax)
email: courtlaw@optonline.net

----- Original Message -----

From: [Bob Ficalora](mailto:Bob.Ficalora)
To: 'Stephen G. Court, Esq'
Cc: [Bob Ficalora](mailto:Bob.Ficalora)
Sent: Saturday, July 09, 2005 5:01 PM
Subject: RE: Notice of Entry

Hi Steve,

Many of the same forms apply to the Court of Appeals, but with different Part rules that can be reviewed at the bottom of <http://www.nycourts.gov/ctapps/>

Part 500 contains the appertaining rules of the court see: <http://www.nycourts.gov/ctapps/500rules.htm>

Hi Steve,

There have been some recent changes that can be reviewed at <http://www.courts.state.ny.us/ctapps/news/nottobar/Ruleschnng04.pdf>

Part 520. rules pertain to the admission of attorneys such as yourself.
<http://www.courts.state.ny.us/ctapps/520rules.htm>

The guide for counsel is at <http://www.courts.state.ny.us/ctapps/counsguide.htm>

I brought the Vorpahl case to the Court of Appeals on Constitutional grounds from the court of original jurisdiction http://www.montauk.com/legal/PDFS/ct_appeals/Vorp_CofA_Appeal_03Dec03.pdf

All other filings in the above matter were according to normal motion practice.

I hope this helps!

Give me a call. 668-3119 or 668-2525

Thanks!

Bob

From: Stephen G. Court, Esq [mailto:courtlaw@optonline.net]
Sent: Tuesday, August 09, 2005 3:28 PM
To: bobfic@montauk.com
Subject: Re: Notice of Entry

Bob

I attached some examples of documents used for a criminal appeal. I am not sure how much different a civil appeal is compared to civil appeals but the form may be helpful for you/

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Cc: [Bob Ficalora](#) ; [Carla Grimm](#) ; [Carolyn Carson](#) ; [Connie Judson](#) ; [Helen Ficalora](#) ; [Jay Sayers](#) ; [Nancy Woodward](#) ; [Richard Monahan](#) ; [Stuart Bennett Vorpahl](#) ; [William Grimm](#)

Sent: Saturday, July 09, 2005 12:01 PM

Subject: Notice of Entry

Hi Steve,

I didn't receive a copy of the notice of entry for the June 20th decision. Could you Efax it to me along with a note about when you received it? This will be important in our appeal to the Court of Appeals.

This will be at least my fifth time at the Court of Appeals. Filing with them is a simple matter of certifying the record and mailing copies of it out together with a brief and supplemental affidavit. I will be reviewing the record on file at Riverhead and preparing copies for service. I will also be preparing a draft of the pleading papers for filing. This will be the first time that we will appear at the court with an attorney, so they may schedule oral argument (although I won't hold my breath!).

Please RSVP.

Thanks,

Bob Ficalora
Town of Montauk, Inc.