



Hon. Judith S. Kaye
Chief Judge
New York State Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

November 9, 2002

Hon. Michael Pesce, J.S.C.
Presiding Justice
New York State Supreme Court
Appellate Term, 2nd Dept.
111 Livingston
Brooklyn, NY 11201

In re: Montauk Trustee resolution and the matters of Joseph J. Grucci and Stewart Bennett Vorpahl


Dear Justices Kaye and Pesce,

I humbly address this letter to your courts pursuant to resolutions of our board of acting Trustees of the Township of Montauk. Attached please find a copy of the Trustees signed resolution to commence the process of returning to lawful government by town meeting.

We understand that parties' motion for leave to appeal the July 2nd 2002 opinion of the Appellate Term in the Matter of Joseph J. Grucci was granted on October 29th, but is not yet calendared. The State's appeal and Stuart's motion in the Matter of Stuart Bennett Vorpahl were fully submitted to the Appellate Term before the August break – *over three months ago* – but judges have not yet been assigned by to hear the case.

As these cases deal with substantially the same rights of jurisdiction, we ask the Court of Appeals to either: 1.) postpone hearing and judgment on the *Grucci* matter until the *Vorpahl* matter is disposed of below and brought up on appeal, or 2.) immediately pull the *Vorpahl* case from the Appellate Term (if that is possible). We ask that the court allow us such simple relief and do pray that the Court of Appeals will not use the *Grucci* case to prejudge Mr. Vorpahl's case without his papers under consideration before it.

Montauk's proprietors are interested parties in the matters of Joseph J. Grucci and of Stuart Bennett Vorpahl and therefore make known to the court that the Montauk Trustee Corporation will appear in person or by attorney if requested.

Sincerely,

Bob Ficalora
acting supervisor
Town of Montauk

Honorable Magistrates of the Court¹,

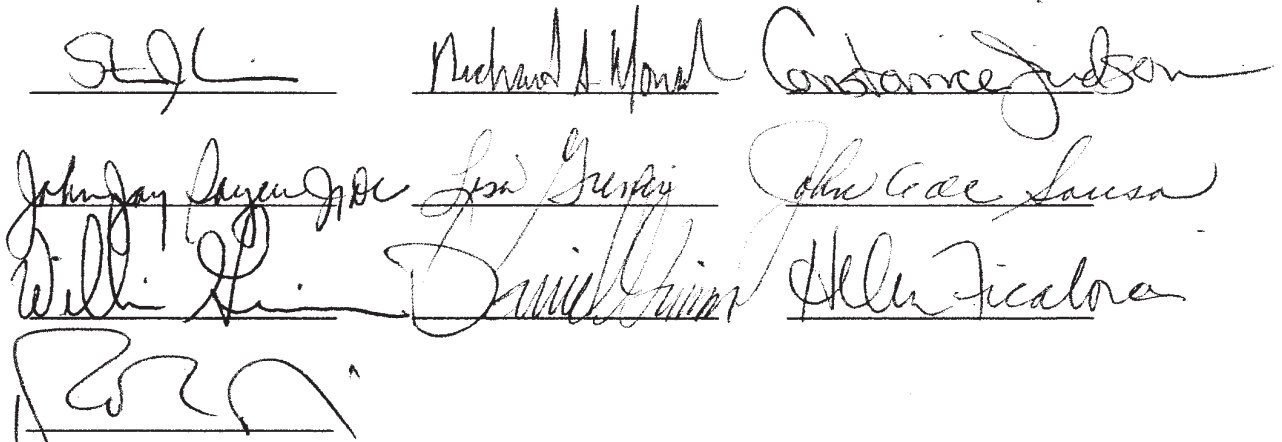
In these past several years the Montauk Friends of Olmsted Parks Corporation has acted according to its incorporated purposes, and its claim of assumption of the powers at law of the 1852 Montauk Trustee Corporation, for and on behalf of the proprietors of Montauk to present to the court issues regarding our extensive properties, our sovereign rights of a township and of our sufferings under unlawful government.

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In consideration of this situation, and with an attentive eye to the needs of this court, in December of 2000 our board of acting trustees adopted a Constitution for Montauk entitled "The Articulated Rights and Constitution of the Township of Montauk" (Montauk Constitution). As set forth therein, we ARE RETURNING to government by town meeting in the same manner as our forebears and other towns of New England. What is set forth in the Montauk Constitution is the process of a "Representative Town Meeting" (RTM) such as currently enjoyed by forty two Massachusetts towns, seven Connecticut towns, one Maine town and one Vermont town.

We do beg the court to understand that we have lost no war, and we haven't done anything wrong that we know of, but the very special liberties and privileges at law of our town - fundamental rights of sovereignty - have been suppressed and a new and despotic form of government has been imposed upon us. We do pray for the rule of law and your understanding that our complaint is a matter that can and must be equitably settled.

Acting trustees of Montauk:



Acting supervisor,
Incorporated Township of Montauk

November 5, 2002

¹ For delivery to the N.Y. Court of Appeals (Grucci), Appellate Term (Vorpahl) & others.

Affidavit of Service upon the following parties:

N. Y. Court of Appeals: 20 Eagle Street, Albany, New York 12207-1095

Carmine Beauchamp Ciparick, Victoria A. Graffeo, Howard A. Levine, Albert M. Rosenblatt, George Bundy Smith.

Appellate Term, 2nd Dept, 111 Livingston, Brooklyn, NY 11201:

Michael Pesce; Marquette L. Floyd; Robert W. Doyle; Nicholas Colabella; Alan L. Winnick; Gloria C. Aronin; Michael Weston Patterson; Joseph G. Golia; Jaime A. Rios.

**Mr. Eliot Spitzer, Esq.
Attorney General of the State of New York
120 Broadway
New York, NY 10271**

Grucci case:

**Mr. Steve A. Hovani, Esq.
Chief of Appeals Bureau
Assistant District Attorney
Criminal Courts Building
200 Center Drive
Riverhead, NY 11901**

**Mr. Jay Lee Snead, Esq.
Attorney for defendant Joseph Grucci
Van Brunt, Juzwiak, Russo
150 Main St
Sayville, New York 11782**

Vorpahl case:

**Ronald E. Lipetz, Esq.
Assistant District Attorney
Suffolk County District Attorney's office
Criminal Courts Building
200 Center Drive
Riverhead, NY 11901**

**Stuart Bennett Vorpahl
American Citizen Sovereign
P.O. Box 256
Amagansett, L. I., New York 11930
*In propria persona***

On Nov. _____ 2002 I, Robert A. Ficalora, a non-party in either the *Matter of Joseph J. Grucci* or the *Matter of Stuart Bennett Vorpahl*, did serve this distribution list together with the attached letter to Justices Kaye and Pesce and the letter of the Montauk Trustee Corporation dated November 5, 2002, upon the above named parties by depositing them in post-paid sealed rappers and placing them in care of the United States Postal Service.

Robert A. Ficalora

Notary

Note: Montauk Trustee contact person: Richard (Dick) Monahan – (631) 668-0308

Montauk Trustee's Nov. 9th letter to the Courts: Additional Distribution

Governor George E. Pataki

U. S. Senator Hillary Rodham Clinton

U. S. Senator Charles E. Schumer

U.S. Congressman Timothy H. Bishop

State Senator Kenneth P Lavalle

State Assemblyman Fred W. Thiele, Jr.

Hon. Howard Berler, J.S.C.

Hon. David S. Ritter, J.A.D.

Hon. A. Gail Prudenti, J.A.D.

Hon. Daniel F. Luciano, J.A.D.

Hon. John J. J. Jones, Jr. , J.S.C.

Hon. Alan D. Oshrin, J.S.C.

Hon. William L. Underwood, Jr. , J.S.C.

Hon. Myriam J. Altman, J.A.D.

Hon. Sandra J. Feuerstein, J.A.D.

Hon. Lawrence J. Bracken, J.S.C.

Hon. Leo F. McGinity, J.A.D.

Hon. Lester E. Gerard, J.S.C.

Hon. Gloria Goldstein, J.A.D.

John P. Courtney, Esq. (Attorney for the Trustees of the Freeholders and
Commonalty of the Town of Easthampton)