



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

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

October 11, 2007

Mr. Robert A. Ficalora
P.O. Box 2612
Montauk, NY 11954

Jason B. Kolodny, Esq.
21 Hereford Road
Great Neck, NY 11021

Re: Town of Montauk, Inc. v Pataki, et al.

Dear Counselor and Mr. Ficalora:

This acknowledges receipt of a document entitled "Person Appeal", a document entitled "August 17th, 2007 Montauk Freeholders' Petition," a Notice of Appeal dated October 5, 2007 (forwarded by the Suffolk County Clerk's Office) and an October 6, 2007 letter by Mr. Kolodny.

The August 17, 2007 petition does not comply with the Court's Rules of Practice and is returned herewith to Mr. Ficalora.

As to Mr. Kolodny's October 6, 2007 letter, a notice of appeal is not filed in the Court of Appeals but "in the office where the judgment or order of the court of original instance is entered" (CPLR 5515[1]).

Please file an original and one copy of a preliminary appeal statement pursuant to section 500.9 of the Court's Rules of Practice with proof of service of one copy on all other parties. A copy of the Court's Rules of Practice and two form preliminary appeal statements are enclosed. In addition, provide proof that you served the Notice of Appeal upon your adversaries.

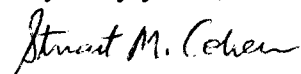
In the Matter of Town of Montauk, Inc. v Pataki, et al

Page 2

October 11, 1007

If you have any questions, you may contact James Costello at 518-455-7702 or Susan Dautel at 518-455-7701.

Very truly yours,



Stuart M. Cohen

SMC/ni

Encs.

cc: Hon. Andrew M. Cuomo
Michael H. Sussman, Esq.
Hon. Eliot Spitzer
Richard Cahn, Esq.
John Courtney, Esq.
Christine Malafi, Esq.
Peter J. Mastaglia, Esq.
John T. McCarron, Esq.
511 Equities, Corp.
W. J. Fleming, Esq.

At and subsequent to a noticed meeting of Montauk freeholders held August 16th, 2007:

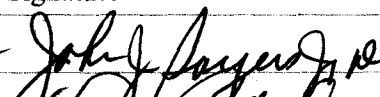

To Honorable Governor Elliot Spitzer and the most Honorable Chief Judge Judith S. Kaye, and Judges Carmen Beauchamp Ciparick, Victoria A. Graffeo, Robert S. Smith, Theodore T. Jones, Susan P. Read, and Eugene F. Pigott, Jr. of the New York Supreme Court, Court of Appeals.

Over the past several years the Montauk Friends of Olmsted Parks / Montauk Trustee Corporation has humbly submitted appeals and petitions to the honorable governor and this most honorable court grieving of illegal, unlawful and injurious government over Montauk.

In June of 2002 we did serve a petition upon the court that attached our December 2000 resolution entitled The Articulated Rights and Constitution of the Township of Montauk. That document set forth the basis and nature of our claims and a lawful frame of government under the jurisdiction of the Supreme Court of the State of New York

A decision of significance was entered by this court in the fishing rights matter in re: Stuart Bennett Vorpahl wherein our corporation was caused to intervene as the Incorporated Township of Montauk. The resulting clear and unambiguous decision of this court dated May sixth, 2004, was much to our satisfaction (2 N.Y.3rd 781) and the corporation did then resolve to properly bring Montauk freeholders' cause from the trial court back up to this court. We are pleased that the matter is now ripe for determination by you; our motion to this court will be filed in accordance with rule 500.22.

The town board entity of the Town of Easthampton is unable show how it can claim to make our laws, collect our taxes or control our land use and police. We do pray that our appeal will be allowed and that we shall have a hearing before you in open court with the opportunity for all Montauk taxpayers to be present.

Name	Property Address	Signature
JOHN JAY SAYERS, JR	38 Big Reed Path, Montauk	
VIRGINIA M SAYERS	32 B 16 REED PATH MONTAUK	

**NEW YORK STATE
COURT OF APPEALS**

Preliminary Appeal Statement

Pursuant to section 500.9 of the Rules of the Court of Appeals

1. CAPTION OF CASE (as the parties should be denominated in the Court of Appeals):

STATE OF NEW YORK COURT OF APPEALS

-against-

2. Name of court or tribunal where case originated, including county, if applicable:

3. Civil index number, criminal indictment number or other number assigned to the matter in the court or tribunal of original instance: _____

4. Docket number assigned to the matter at the Appellate Division or other intermediate appellate court: _____

5. Jurisdictional basis for this appeal:

____ Leave to appeal granted by the Court of Appeals or a Judge of the Court of Appeals

____ Leave to appeal granted by the Appellate Division or a Justice of the Appellate Division

____ CPLR 5601(a): dissents on the law at the Appellate Division

____ CPLR 5601(b)(1): constitutional ground (Appellate Division order)

____ CPLR 5601(b)(2): constitutional ground (judgment of court of original instance)

____ CPLR 5601(c): Appellate Division order granting a new trial or hearing, upon stipulation for judgment absolute

____ CPLR 5601(d): from a final judgment, order, determination or award, seeking review of a prior nonfinal Appellate Division order

____ Other (specify) _____

6. How this appeal was taken to the Court of Appeals (choose one) (see CPLR 5515[1]):

NOTICE OF APPEAL

Date filed: _____

Clerk's office where filed: _____

ORDER GRANTING LEAVE TO APPEAL (civil case):

Court that issued order: _____

Date of order: _____

CERTIFICATE GRANTING LEAVE TO APPEAL (criminal case):

Justice or Judge who issued order: _____

Court: _____

Date of order: _____

7. Demonstration of timeliness of appeal in civil case (CPLR 5513, 5514):

Was appellant served by its adversary with a copy of the order, judgment or determination appealed from and notice of its entry? yes no

If yes, date on which appellant was served (if known, or discernable from the papers served): _____

If yes, method by which appellant was served: personal delivery
 regular mail
 overnight courier
 other (describe _____)

Did the Appellate Division deny a motion for leave to appeal to this Court in this case? yes no

If yes, fill in the following information:

- a. date appellant served the motion for leave to appeal made at the Appellate Division: _____
- b. date on which appellant was served with the Appellate Division order denying such motion with notice of the order's entry: _____, and
- c. method by which appellant was served with the Appellate Division order denying such motion: _____ personal service
_____ regular mail
_____ overnight courier
_____ other (describe _____)

8. Party Information:

Instructions: Fill in the name of each party to the action or proceeding, one name per line. Indicate the status of the party in the court of original instance and the party's status in this Court, if any. Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, third-party plaintiff, third-party defendant, intervenor. Examples of a party's Court of Appeals status include: appellant, respondent, appellant-respondent, respondent-appellant, intervenor-appellant.

No.	Party Name	Original Status	Court of Appeals Status
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

9. Attorney information:

Instructions: For each party listed above, fill in the name of the law firm and responsible attorney, if the party is represented. Where a litigant is self-represented, fill in that party's data in section 10 below.

For Party No. ___ above:

Law Firm Name: _____

Responsible Attorney: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No: _____ Ext. _____ Fax: _____

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? ___yes ___no

For Party No. ___ above:

Law Firm Name: _____

Responsible Attorney: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No: _____ Ext. _____ Fax: _____

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? ___yes ___no

For Party No. ___ above:

Law Firm Name: _____

Responsible Attorney: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No: _____ Ext. _____ Fax: _____

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? ___yes ___no

For Party No. ___ above:

Law Firm Name: _____

Responsible Attorney: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No: _____ Ext. _____ Fax: _____

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? ___yes ___no

For Party No. ___ above:

Law Firm Name: _____

Responsible Attorney: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No: _____ Ext. _____ Fax: _____

If appearing Pro Hac Vice, has attorney satisfied requirements of section 500.4 of the Rules of the Court of Appeals? ___yes ___no

(Use additional sheets if necessary)

10. Self-Represented Litigant information:

For Party No. ___ above:

Party's Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____ Ext. _____ Fax: _____

For Party No. ___ above:

Party's Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____ Ext. _____ Fax: _____

11. Related motions and applications:

Does any party to the appeal have any motions or applications related to this appeal pending in the Court of Appeals? ___yes ___no

If yes, specify:

a. the party who filed the motion or application: _____

b. the return date of the motion: _____

c. the relief sought: _____

Does any party to the appeal have any motions or applications in this case currently pending in the court from which the appeal is taken? ___yes ___no

If yes, specify:

a. the party who filed the motion or application: _____

b. the return date of the motion: _____

c. the relief sought: _____

Are there any other pending motions or ongoing proceedings in this case? If yes, please describe briefly the nature and the status of such motions or proceedings:_____

12. **Set forth, in point-heading form, issues proposed to be raised on appeal (this is a nonbinding designation, for preliminary issue identification purposes only):**

(use additional sheet, if necessary)

13. **Does appellant request that this appeal be considered for resolution pursuant to section 500.11 of the Rules of the Court of Appeals (Alternative Procedure for Selected Appeals)?**

_____yes _____no

If yes, set forth a concise statement why appellant believes that consideration pursuant to section 500.11 is appropriate (see section 500.11[b]):_____

14. Notice to the Attorney General.

Is any party to the appeal asserting that a statute is unconstitutional? ___yes ___no

If yes, has appellant met the requirement of notice to the Attorney General in section 500.9(b) of the Rules of the Court of Appeals? ___yes ___no

15. **ITEMS REQUIRED TO BE ATTACHED TO THIS STATEMENT:**

A. A copy of the filed notice of appeal, a copy of the order granting leave to appeal (civil case), or a copy of the certificate granting leave to appeal (noncapital criminal case), whichever is applicable;

B. The order, judgment or determination appealed from to this Court;

C. Any order, judgment or determination which is the subject of the order appealed from, or which is otherwise brought up for review;

D. All decisions or opinions relating to the orders set forth in subsections B and C above; and

E. If required, a copy of the notice sent to the Attorney General pursuant to section 500.9(b) of the Rules of the Court of Appeals.

Date: _____

Submitted by: _____

(Name of law firm)

(Signature of responsible attorney)

(Typed name of responsible attorney)

Attorneys for appellant _____

(Name of party)

-or-

Date: _____

Submitted by _____, pro se

(Signature of appellant)

(Typed/printed name of self-represented appellant)