



*State of New York  
Court of Appeals*

*Stuart M. Cohen  
Clerk of the Court*

*Clerk's Office  
Albany, New York 12207*

September 29, 2008

Robert A. Ficalora  
PO Box 2612  
Montauk, NY 11954

Re: Matter of Montauk v Pataki

Dear Mr. Ficalora:

As stated in this office's letters addressed to Mr. Kolodny and dated May 29, 2008 and August 12, 2008, the papers submitted by counsel are not sufficient to be submitted to the Court. Further, as stated in this office's letter dated August 12, 2008, because the \$45 motion fee cannot be held, Mr. Kolodny should contact Lori Fix-Mossman at 518-455-7779 to expedite a refund.

On September 29, 2008, this office received your "affidavit of service and certification" dated September 25, 2008, a "certified corrected copy" of papers seeking reargument in the above matter and copies of Appellate Division papers.

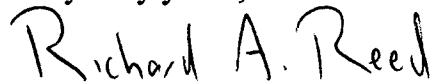
The papers are still not sufficient to be submitted to the Court. Mr. Kolodny, as counsel for the corporation in this matter, must file:

- 1) A completed affidavit of service indicating the date that two copies of the moving papers were mailed.
- 2) An original motion (i.e. a motion bearing an attorney's original signature) (Rule 500.24[a]; 500.1[a]; see also Rules of the Chief Administrator [22 NYCRR 130-1.1-a]).
- 3) The fee of forty-five dollars in the form of an attorney's personal check, certified check, cashier's check or money order payable to "State of New York, Court of Appeals" (Rule 500.3[b]).

Page 2  
September 29, 2008

Upon receipt of these materials, I will submit the papers seeking reargument to the Court on an appropriate return date.

Very truly yours,

A handwritten signature in black ink that reads "Richard A. Reed". The letters are cursive and somewhat slanted to the right.

Richard A. Reed  
Deputy Clerk

HD:

cc: Jason Kolodny, Esq.  
Richard C. Cahn, Esq.  
David Lawrence III, Esq.  
John T. McCarron, Esq.  
W.J. Fleming, Esq.  
John Courtney, Esq.  
511 Equities Corp.  
Christine Malafi, Esq.  
Peter J. Mastaglia, Esq.