

Supreme Court of the State of New York  
Court of Appeals

Town of Montauk, Inc.

Petitioner-Appellant

-against-

**Hon. George E. Pataki, Esq., Governor of the State of New York**  
and, The People of the State of New York Met in Assembly, and The  
Town Board gov't of the Town of East Hampton, and The Trustees  
of the Freeholders and Commonalty of the Town of Easthampton,  
and The Suffolk County Water Authority, Inc., and The County of  
Suffolk, and The Brooklyn Historical Society, Inc., and 511 Equities,  
Inc., and The Nature Conservancy, Inc.

Respondents-Respondent

Verifying Affidavit

Jason B. Kolodny

A.D. no. 05-10912  
(Suffolk 04-27553)

STATE OF NEW YORK )  
                                                      ) ss:  
COUNTY OF NASSAU )

JASON B. KOLODNY, an attorney duly admitted to practice law in the State of New York, does hereby state, affirm and swear under the pains and penalties of perjury:

1. I am the attorney of record for the plaintiff in this matter having been engaged by the Corporation to submit papers and move the court toward a legal and equitable resolution of the causes presented;

2. Most recently, on May 21st, 2008, I did sign a Motion for Reconsideration which was timely mailed to defendants and to the court on May 23rd. I almost immediately took ill, however, and was until now unavailable to my client.

3. I was unaware that I had filed non-original copies of the motion with the court and understand that this deficiency needs to be corrected in order to get the instant motion submitted to the court with an appropriate return date.

4. I have been unable to locate the originals of the Motion to Reargue in my files and do, therefore, ask that the court accept newly initialed and re-signed copies of the instant Motion to Reargue in lieu of the originals.

5. Your petitioner is satisfied that the court has discretion to enable this matter to move forward and to grant the relief petitioned for. We do pray for justice and such other and further relief as the court deems equitable and just.

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Jason B. Kolodny, Esq.  
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(516) 661-9418

Sworn to November \_\_\_\_, 2008

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Notary

Hon. Anthony Cuomo  
Attorney General of the State of New  
York  
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Respondents-Respondent*  
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