



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

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

February 27, 2008

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

Re: Matter of Montauk v Pataki
Motion No. 08/101

Dear Mr. Kolodny:

Your motion seeking to vacate this Court's December 18, 2007 order of dismissal was submitted to the Court on January 28, 2008 and is pending before the Court. In connection with that motion, the Court of Appeals, on its own motion, will consider its subject matter jurisdiction with respect to the timeliness of the appeal (CPLR 5513, 5514) and whether a substantial constitutional question is directly involved to support the appeal taken as of right (CPLR 5601[b]).

You and your adversary are invited to submit comments in writing on the issue of subject matter jurisdiction. Such comments must be served and filed within 10 days after this letter's date.

Very truly yours,

A handwritten signature in black ink that reads "Richard A. Reed".

Richard A. Reed
Deputy Clerk

HD:

cc: 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.