



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

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

March 10, 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:

In furtherance of this office's letter dated February 27, 2008, the Court of Appeals, on its own motion, will also consider its subject matter jurisdiction with respect to whether the Appellate Division order appealed from finally determines the matter within the meaning of the Constitution (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.