

STATE OF NEW YORK  
SUPREME COURT - APPELLATE DIVISION  
DISTRICT - SECOND JUDICIAL

INDEX #: 04-27553  
Date Filed:

Town of Montauk, Inc.

Plaintiff(s)/Petitioner(s)

vs

Hon. George E. Pataki, Esq., Governor of the State of New York, et al

Defendant(s)/Respondent(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK, COUNTY OF ALBANY, SS.:

Stephen L. Collen, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On December 8, 2004 at 8:40 am, deponent served the within at New York State Capitol Building, Albany, NY 12207, deponent served the within Notice of Motion w/ Attachments A,B,C, Order to Show Cause w/ Exhibits A-G, Notice of Petition/Petition & 2004 Affidavit of Robert A. Ficalora w/ Attachments A-E  
on: Greg Allen, Esq., Counsel for Governor Pataki, Recipient therein named.

- By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- By delivering thereat a true copy of each to Catherine Nells - Attn Agent personally, deponent knew said business/agency so served to be the business/agency described in same as said defendant and knew said individual to be the managing/authorized agent of the business/agency, and said person stated that he/she was authorized to accept service on behalf of the business/agency.
- By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is defendant's: [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.
- By affixing a true copy of each to the door of said premises, which is defendant's: [ ] actual place of business [ ] dwelling house (place of abode) within the state.


Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
Address confirmed by \_\_\_\_\_

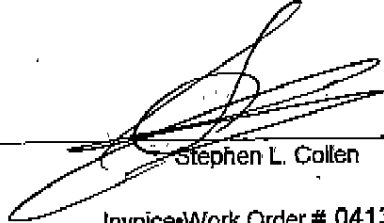
- On \_\_\_\_\_, deponent completed service by depositing a true copy of each to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Sex: Female Color of skin: White Color of hair: Brown Age: 30 - 39 Yrs. Height: 5' 4" - 5' 8"  
Weight: 100 - 130 Lbs. Other Features: \_\_\_\_\_

- the authorized witness fee and / or traveling expenses were paid (tendered) to the witness.
- Deponent asked person spoken to whether the defendant is presently in military service of the United States Government or of the State of New York and was informed that defendant is not.

Sworn to before me on December 10, 2004

  
MARC A. O'HARE  
NOTARY PUBLIC, State of New York  
No. 4865530, Qualified in Albany County  
Term Expires July 14, 2006

  
Stephen L. Collen  
Invoice-Work Order # 0413950

STATE OF NEW YORK  
SUPREME COURT - APPELLATE DIVISION  
DISTRICT: SECOND JUDICIAL

COUNTY OF

INDEX #: 04-27553

Date Filed:

Town of Montauk, Inc.

vs

Plaintiff(s)/Petitioner(s)

Hon. George E. Pataki, Esq., Governor of the State of New York, et al

Defendant(s)/Respondent(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK, COUNTY OF ALBANY, SS.:

Stephen L. Collen

, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On December 8, 2004 at 9:15 am

at New York State Capitol Building, Albany, NY 12207, deponent served the within Notice of Motion w/ Attachments A,B,C, Order to Show Cause w/ Exhibits A-G, Notice of Petition/Petition & 2004 Affidavit of Robert A. Ficalora w/ Attachments A-E

on: Solicitor General for the NYS Assembly, Dept. of Law, Recipient therein named.

- By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- By delivering thereat a true copy of each to Rosemarie Perez-Jaquith - Atuh Agent personally, deponent knew said business/agency so served to be the business/agency described in same as said defendant and knew said individual to be the managing/authorized agent of the business/agency, and said person stated that he/she was authorized to accept service on behalf of the business/agency.
- By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is defendant's:  actual place of business  dwelling house (usual place of abode) within the state.
- By affixing a true copy of each to the door of said premises, which is defendant's:  actual place of business  dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, having called thereat

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Address confirmed by \_\_\_\_\_

- On \_\_\_\_\_, deponent completed service by depositing a true copy of each to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex: Female Color of skin: White Color of hair: Blonde Age: 30-39 Yrs. Height: 5'4" - 5'8"  
 Weight: 100 - 130 Lbs. Other Features: \_\_\_\_\_

- the authorized witness fee and / or traveling expenses were paid (tendered) to the witness.

Deponent asked person spoken to whether the defendant is presently in military service of the United States Government or of the State of New York and was informed that defendant is not.

Sworn to before me on December 10, 2004

MARCIA A. O'HARE  
NOTARY PUBLIC, State of New York  
No. 488530, Qualified in Albany County  
Term Expires July 14, 2006

Stephen L. Collen

Invoice-Work Order # 0413949

# AFFIDAVIT OF SERVICE

County of

Appellate Division-S Court

State of **NEW YORK**

Index Number: **04-27553** Court Date: **1/7/2005**  
Date Filed: \_\_\_\_\_

Plaintiff:  
**TOWN OF MONTAUK, INC.,**

vs.  
Defendant:  
**HON. GEORGE E. PATAKI, ESQ., GOVERNOR OF THE STATE OF NEW YORK, ET AL.,**

For:  
**GENE BARR, ESQ., P.C.**  
80 Medford Ave  
Medford, NY 11772

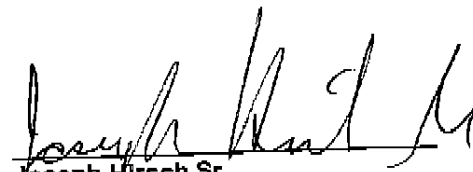
Received by GOTCHA LEGAL PROCESS SERVICE INC. on the 3rd day of December, 2004 at 8:58 am to be served on **JOHN COURTNEY, ESQ., Attorney for The East Hampton Town Trustee Corporation, 249 MAIN STREET, AMAGANSETT, N.Y.**

I, Joseph Hirsch Sr., being duly sworn, depose and say that on the **13th day of December, 2004 at 10:30 am, I**

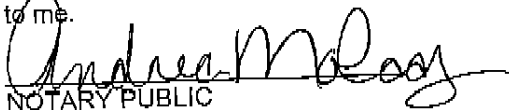
**INDIVIDUALLY SERVED** the within named person with a true copy of this NOTICE OF MOTION WITH ATTACHMENTS (A), (B) & (C), ORDER TO SHOW CAUSE WITH EXHIBITS A-G, NOTICE OF PETITION/PETITION AND 2004 AFFIDAVIT OF ROBERT A. FICALORA WITH ATTACHMENTS A-E

**Description of Person Served:** Age: 50, Sex: M, Race/Skin Color: White, Height: 5'9", Weight: 150, Hair: Grey, Glasses: N

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.

  
Joseph Hirsch Sr.  
Process Server

Subscribed and Sworn to before me on the 14th day of December, 2004 by the affiant who is personally known to me.

  
NOTARY PUBLIC

**GOTCHA LEGAL PROCESS SERVICE INC.**  
P.O. Drawer 1525  
Stony Brook, NY 11790  
(631) 751-1450

Our Job Serial Number: 2004007848

**ANDREA MOLODY**  
Notary Public, State of New York  
No. 01M-Job 07116  
Qualified in Suffolk County  
Commission Expires Feb. 14, 2006

**AFFIDAVIT**

State of **NEW YORK**

County of \_\_\_\_\_

Appellate Division 3 Court

Index Number: 04-27553 Court Date: 1/7/2005  
Date Filed: \_\_\_\_\_

Plaintiff:  
**TOWN OF MONTAUK, INC.,**

vs.

Defendant:  
**HON. GEORGE E. PATAKI, ESQ., GOVERNOR OF THE STATE OF NEW YORK, ET AL.,**

For:  
**GENE BARR, ESQ., P.C.**  
80 Medford Ave  
Medford, NY 11772

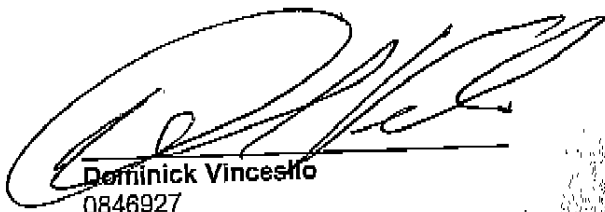
Received by GOTCHA LEGAL PROCESS SERVICE INC. on the 3rd day of December, 2004 at 8:58 am to be served on **THE BROOKLYN HISTORICAL SOCIETY, 128 PIERREPONT STREET, BROOKLYN, N.Y. 11201.**

I, Dominick Vinclesio, being duly sworn, depose and say that on the 8th day of December, 2004 at 12:00 pm, I:

Delivered a true copy of the NOTICE OF MOTION WITH ATTACHMENTS (A), (B) & (C), ORDER TO SHOW CAUSE WITH EXHIBITS A-G, NOTICE OF PETITION/PETITION AND 2004 AFFIDAVIT OF ROBERT A. FICALORA WITH ATTACHMENTS A-E to BYRON SINGLETON as agent of the above who stated they were authorized to accept.

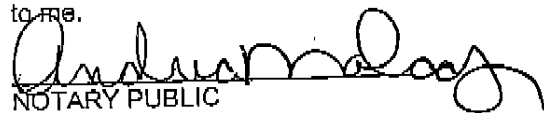
**Description** of Person Served: Age: 44, Sex: M, Race/Skin Color: Black, Height: 5'10", Weight: 165, Hair: Black, Glasses: Y

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.



**Dominick Vinclesio**  
0846927

Subscribed and Sworn to before me on the 8th day of December, 2004 by the affiant who is personally known to me.

  
NOTARY PUBLIC

**GOTCHA LEGAL PROCESS SERVICE INC.**  
P.O. Drawer 1525  
Stony Brook, NY 11790  
(631) 751-1450

Our Job Serial Number: 2004007849

**ANDREA MOLODY**  
Notary Public, State of New York  
No. 01MO6037106  
Qualified in Suffolk County  
Commission Expires Feb. 14, 2010

# AFFIDAVIT OF SERVICE

Appellate Division-S Court

State of NEW YORK

County of

Index Number: 04-27553 Court Date: 1/7/2005  
Date Filed: \_\_\_\_\_

Plaintiff:  
TOWN OF MONTAUK, INC.,

vs.

Defendant:  
HON. GEORGE E. PATAKI, ESQ., GOVERNOR OF THE STATE OF NEW YORK, ET AL.,

For:  
GENE BARR, ESQ., P.C.  
80 Medford Ave  
Medford, NY 11772

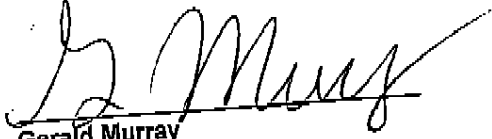
Received by GOTCHA LEGAL PROCESS SERVICE INC. on the 3rd day of December, 2004 at 8:58 am to be served on 511 EQUITIES CORPORATION A/K/A MONTAUK IMPROVEMENT CORP., 511 5TH AVENUE, NEW YORK, N.Y. 10018.

I, Gerald Murray, being duly sworn, depose and say that on the 7th day of December, 2004 at 12:13 pm, I:

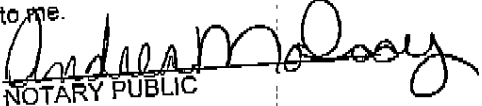
SERVED the within named CORPORATION by delivering a true copy of the NOTICE OF MOTION WITH ATTACHMENTS (A), (B) & (C), ORDER TO SHOW CAUSE WITH EXIBITS A-G, NOTICE OF PETITION/PETITION AND 2004 AFFIDAVIT OF ROBERT A. FICALORA WITH ATTACHMENTS A-E at 511 5TH AVENUE, NEW YORK, N.Y. 10018 to CHRIS DOYLE as LOBBY RECEPTIONIST who stated they are authorized to accept service.

Description of Person Served: Age: 50, Sex: M, Race/Skin Color: White, Height: 5'11", Weight: 270, Hair: Brown/Gray, Glasses: Y

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.

  
Gerald Murray  
0872285

Subscribed and Sworn to before me on the 8th day of December, 2004 by the affiant who is personally known to me.

  
NOTARY PUBLIC

ANDREA MOLODY  
Notary Public, State of New York  
No. 01MO6037186  
Qualified in Suffolk County  
Commission Expires Feb. 14, 2006

GOTCHA LEGAL PROCESS SERVICE INC.  
P.O. Drawer 1525  
Stony Brook, NY 11790  
(631) 751-1450

Our Job Serial Number: 2004007855

**AFFIDAVIT OF SERVICE**

Appellate Division-5 Court

County of

State of NEW YORK

Index Number: 04-27553 Court Date: 1/7/2005  
Date Filed: \_\_\_\_\_

Plaintiff:  
**TOWN OF MONTAUK, INC.,**

vs.

Defendant:  
**HON. GEORGE E. PATAKI, ESQ., GOVERNOR OF THE STATE OF NEW YORK, ET AL.,**


For:  
**GENE BARR, ESQ., P.C.**  
80 Medford Ave  
Medford, NY 11772

Received by GOTCHA LEGAL PROCESS SERVICE INC. on the 3rd day of December, 2004 at 8:58 am to be served on **CAHN & CAHN S/H/A CAHN, WISHOD & KNAUER, Attorneys for the Town Board Government of East Hampton, 445 BROAD HOLLOW ROAD, SUITE 332, MELVILLE, N.Y. 11747.**

I, Howard Ettinger, being duly sworn, depose and say that on the 3rd day of December, 2004 at 12:35 pm, I delivered a true copy of the NOTICE OF MOTION WITH ATTACHMENTS (A), (B) & (C), ORDER TO SHOW CAUSE WITH EXHIBITS A-G, NOTICE OF PETITION/PETITION AND 2004 AFFIDAVIT OF ROBERT A. FICALORA WITH ATTACHMENTS A-E to EDMARINE WALLACH, OFFICE MANAGER as agent of the above who stated they were authorized to accept.

Description of Person Served: Age: 40, Sex: F, Race/Skin Color: Black, Height: 5'6", Weight: 120, Hair: Black, Glasses: N

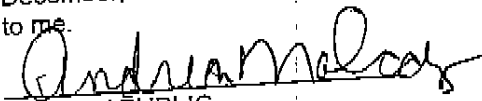
I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.

  
Howard Ettinger  
Process Server

Subscribed and Sworn to before me on the 7th day of December, 2004 by the affiant who is personally known to me.

**GOTCHA LEGAL PROCESS SERVICE INC.**  
P.O. Drawer 1525  
Stony Brook, NY 11790  
(631) 751-1450

Our Job Serial Number: 2004007845

  
NOTARY PUBLIC

**ANDREA MOLODY**  
Notary Public, State of New York  
No. 01MC6037166  
Qualified in Suffolk County  
Commission Expires Feb. 14, 2006

**AFFIDAVIT OF SERVICE**

State of **NEW YORK**

County of

**Appellate Division-S Court**

Index Number: 04-27553 Court Date: 1/7/2005  
Date Filed: \_\_\_\_\_

Plaintiff:  
**TOWN OF MONTAUK, INC.,**

vs.

Defendant:  
**HON. GEORGE E. PATAKI, ESQ., GOVERNOR OF THE STATE OF NEW YORK, ET AL.,**

For:  
**GENE BARR, ESQ., P.C.**  
80 Medford Ave  
Medford, NY 11772

Received by GOTCHA LEGAL PROCESS SERVICE INC. on the 3rd day of December, 2004 at 8:58 am to be served on **SUFFOLK COUNTY WATER AUTHORITY, INC., 4060 SUNRISE HIGHWAY, OAKDALE, N.Y. 11769**

I, Howard Ettinger, being duly sworn, depose and say that on the **6th day of December, 2004 at 12:55 am, I:**

Delivered a true copy of the NOTICE OF MOTION WITH ATTACHMENTS (A), (B) & (C), ORDER TO SHOW CAUSE WITH EXHIBITS A-G, NOTICE OF PETITION/PETITION AND 2004 AFFIDAVIT OF ROBERT A. FICALORA WITH ATTACHMENTS A-E to JOHN MILAZZO, CORPORATE COUNSEL as agent of the above who stated they were authorized to accept.

Description of Person Served: Age: 35, Sex: M, Race/Skin Color: White, Height: 5'11", Weight: 165, Hair: Brown, Glasses: Y

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.

*Howard Ettinger*  
Howard Ettinger  
Process Server

Subscribed and Sworn to before me on the 7th day of December, 2004 by the affiant who is personally known to me.

*Andrea Molody*  
~~NOTARY PUBLIC~~

**ANDREA MOLODY**  
Notary Public, State of New York  
No. 01MD037166  
Qualified in Suffolk County  
Commission Expires Feb. 14, 2006

**GOTCHA LEGAL PROCESS SERVICE INC.**  
P.O. Drawer 1525  
Stony Brook, NY 11790  
(631) 751-1450

Our Job Serial Number: 2004007846