



Appellate Division  
Supreme Court of the State of New York  
Second Judicial Department  
45 Monroe Place  
Brooklyn, N.Y. 11201  
(718) 875-1300

A. GAIL PRUDENTI  
PRESIDING JUSTICE

JAMES EDWARD PELZER  
CLERK OF THE COURT

MEL E. HARRIS  
SUSAN H. HARKAVY  
MARY-ELLEN SKENYON  
DEPUTY CLERKS

MATTHEW KIERNAN  
APRILANNE AGOSTINO  
ASSOCIATE DEPUTY CLERKS

February 7, 2005

Mr. Robert A. Ficalora  
Chief Executive Officer  
MFOP/Montauk Trustee Corp.  
6753 Bellevista Place NW  
Olympia, WA 98502

Re: *Matter of Town of Montauk, Inc. v Pataki*  
App. Div. Docket No.: 2005-00339

Dear Mr. Ficalora:

We are returning your papers received here February 8, 2005. There is presently no appeal or proceeding pending in this court. The above docket number refers to an application pursuant to CPLR 5704, which was dismissed here on January 10, 2005.

In any event, no relief can be granted based on a fax or a letter to this court. Relief may be requested only pursuant to a formal motion made in accordance with the rules of this court.

Yours truly,

CLERK'S OFFICE