

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT

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TOWN OF MONTAUK, INC.,

A.D. Docket No.  
2005-10912

Petitioner-Appellant,

Suffolk County  
Index No. 04-27553

- against -

THE HONORABLE GEORGE PATAKI, 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.,

**DECISION AND  
ORDER ON  
MOTION WITH  
NOTICE OF ENTRY**

Respondents-Respondents.

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**S I R :**

**PLEASE TAKE NOTICE**, that the within is a true copy of a Decision and Order on Motion duly entered in the office of the Clerk of Appellate Division, Second Department on July 13, 2007.

Dated: Melville, New York  
July 17, 2007

Yours, etc.,

CAHN & CAHN, LLP  
Attorneys for Respondent, Town of East Hampton (sued herein as "Town Board Gov't of the Town of East Hampton")

By: 

Richard C. Cahn

Office & P.O. Address  
445 Broadhollow Road, Suite 332  
Melville, NY 11747  
(631) 752-1600

TO: MICHAEL H. SUSSMAN, ESQ  
Law Offices of Michael H. Sussman  
40 Park Place, P.O. Box 1005  
Goshen, NY 10924

<b>Matter of Town of Montauk, Inc. v Pataki</b>
Motion No: 2005-10912
Slip Opinion No: 2007 NYSlipOp 73644(U)
Decided on July 13, 2007
Appellate Division, Second Department, Motion Decision
Published by <u>New York State Law Reporting Bureau</u> pursuant to Judiciary Law § 431.
This motion is uncorrected and is not subject to publication in the Official Reports.

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

M57087

X/sl

DAVID S. RITTER, J.P.

FRED T. SANTUCCI

PETER B. SKELOS

THOMAS A. DICKERSON, JJ.

2005-10912

In the Matter of Town of Montauk, Inc.,  
appellant,

DECISION & ORDER ON MOTION

v George E. Pataki, etc., et al.,  
respondents.

(Index No. 27553-04)

Motion by the appellant for leave to appeal to the Court of Appeals from a decision and order of this court, dated May 8, 2007, which determined an appeal from a judgment of the Supreme Court, Suffolk County, dated June 20, 2005.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is denied.

RITTER, J.P., SANTUCCI, SKELOS and DICKERSON, JJ., concur.

ENTER:

James Edward Pelzer

Clerk of the Court