

SUPREME COURT  
I.A.S. PART 12

STATE OF NEW YORK  
SUFFOLK COUNTY

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TOWN OF MONTAUK, INC.,

Petitioner,  
-against-

NOTICE OF WITHDRAWAL  
OF NOTICE OF APPEAL

Hon. George E. Pataki, Esq., Governor of the State of New York and, The People of the State of New York Met in Assembly, and The Town Board government 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.

Index No.: 04-27553

Respondents.

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PLEASE TAKE NOTICE that the Petitioner, TOWN OF MONTAUK, INC., hereby withdraws its Notice of Appeal dated July 12, 2005, to the Appellate Division of the Second Department, regarding the Order of this court dated June 20, 2005, and entered on June 29, 2005, denying the Amended Petition in this matter. Petitioner will be filing an Appeal as of Right with the Court of Appeals on Constitutional grounds under Article VI §3 b(2) of the Constitution of the State of New York (CPLR §5601 b(2)).

DATED: July 15, 2005

TO: CHRISTINE MALAFI, ESQ.  
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