

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
TOWN OF MONTAUK, INC.,

Petitioner,

- against -

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 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.,

Respondents.
-----X

**VERIFIED ANSWER
TO AMENDED PETITION**

Index No.: 04-27553

**Assigned to:
Justice _____**

Respondent, SUFFOLK COUNTY WATER AUTHORITY, sued herein as The Suffolk
County Water Authority, Inc., by its attorney, John T. McCarron, P.C., as and for its Verified
Answer to the Amended Petition herein, respectfully shows to this Court and alleges as follows:

FIRST: States that the allegations contained in paragraphs numbered "1", "2", "3",
"4", "5", "6", "7", "8", "9" and "10" of the Amended Petition state the relief sought by
Petitioner herein to which no response is required and refer all questions of law to the Trial Court
for ultimate determination. Except as so stated, denies knowledge or information sufficient to
form a belief as to the truth of the allegations contained in paragraphs numbered "1", "2", "3",
"4", "5", "6", "7", "8", "9" and "10" of the Amended Petition.

SECOND: Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in paragraphs numbered "2", "3", "4", "5", "6", "7", "8", "9",

“10” (at pp. 6-7), “11”, “12”, “13”, “14”, “15”, “16”, “17”, “18”, “19”, “20”, “21”, “22”, “23”, “24”, “28”, “29”, “31”, “32”, “33”, “34”, “35”, “36”, “37”, “38”, “39”, “40”, “41”, “42”, “43”, and “44” of the Amended Petition.

THIRD: Denies each and every allegation contained in paragraphs numbered “27” and “30” of the Amended Petition.

FIFTH: Respectfully refers this Court to the statute and legislative intent thereof referenced in paragraph numbered “1” at page 6 of the Amended Petition for the true content and legal meaning thereof.

SIXTH: Admits that the Suffolk County Water Authority operates a water distribution system throughout the Town of East Hampton. Denies knowledge or information as to the legal existence of the Montauk Trustee Corporation. Except as so stated, denies the allegations contained in paragraphs numbered “25” and “26” of the Amended Petition.

AS AND FOR A FIRST OBJECTION AND POINT OF LAW

SEVENTH: There is no claim in the Amended Petition under CPLR Article 78 against this answering Respondent and the Amended Petition must therefore be dismissed against Respondent.

AS AND FOR A SECOND OBJECTION AND POINT OF LAW

EIGHTH: The claims of Petitioner are untimely and are barred by the applicable Statute of Limitations.

AS AND FOR A THIRD OBJECTION AND POINT OF LAW


NINTH: The Petitioner is not a lawful entity and lacks standing to institute this action.

WHEREFORE, the respondent, SUFFOLK COUNTY WATER AUTHORITY, demands judgment dismissing the Petition herein, together with the costs and disbursements of this action.

Dated: Melville, New York
April 22, 2005

JOHN T. McCARRON, P.C.

By:


John T. McCarron, Esq.
200 Broadhollow Road, Suite 207
Melville, New York 11747
(631) 694-6500

ATTORNEY FOR RESPONDENT
SUFFOLK COUNTY WATER
AUTHORITY

TO: STEPHEN G. COURT, ESQ.
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(631) 758-2352

ATTORNEY FOR PETITIONER

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ATTORNEYS FOR RESPONDENT
TOWN OF EAST HAMPTON

VERIFICATION

STATE OF NEW YORK)
)ss:
COUNTY OF SUFFOLK)

STEPHEN M. JONES, being duly sworn, deposes and says:

1. I am the Chief Executive Officer of defendant, Suffolk County Water Authority, a public benefit corporation organized pursuant to Title 4 of Article 5 of the Public Authorities Law of the State of New York.

2. I have read the foregoing Amended Answer and know the contents thereof; and

3. The same are true as to my own knowledge, except as to the matters therein alleged on information and belief; and as to those matters I believe them to be true. The source of my knowledge is review of books and records maintained by the Suffolk County Water Authority and conversations with employees of the Suffolk County Water Authority.

4. The reason this Verification is made by me is that the Suffolk County Water Authority is a public benefit corporation of which I am an officer, to wit, Chief Executive Officer.



STEPHEN M. JONES

Sworn to before me this
25th day of April, 2005



Notary Public

Timothy J. Hopkins
Notary Public, State of New York
No. 02HO6040236
Term Expires April 17, 2006
Qualified in Suffolk County