

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

THE SEAVIEW AT AMAGANSETT, LTD., DUNES  
AT NAPEAGUE PROPERTY OWNERS ASSOCIATION,  
INC., THE TIDES HOMEOWNERS ASSOCIATION, INC.,  
WHALERS LANE HOMEOWNERS ASSOCIATION, INC.,  
THE OCEAN ESTATES PROPERTY OWNERS  
ASSOCIATION, INC., ROBERT HIGGINS, MARC HELIE,  
ROBERT CRISTOFARO AND ROBERT COOPERMAN,  
Plaintiffs,  
-against-  
TOWN OF MONTAUK, Intervenor AND  
TRUSTEES OF THE FREEHOLDERS AND  
COMMONALTY OF THE TOWN OF EAST  
HAMPTON AND THE TOWN OF EAST HAMPTON,  
Defendants,  
-and-  
JAY H. BAKER, PATTY C. BAKER,  
DAVID STUART TYSON, STEPHANIE BITTERMAN,  
JUNE MERTON, NAPEAGUE ASSOCIATES,  
DAVID ROSS, GRACE ROSS, IRVING C. MARCUS  
AND HARRIET MARCUS,  
Additional Defendants.

**NOTICE OF FILING**

**Petition for an  
Executive Order  
CPLR §1012(b)1**

**Index No. 09-34714**

**MELVIN TANENBAUM**

To: Hon. Andrew M. Cuomo, Governor of the State of New York, and Attorney General Eric T. Schneiderman - **PLEASE TAKE NOTICE:** The constitutionality of claims of jurisdiction over Napeague beaches is in issue. On September 29th, 2011 a **Notice of Intervention** as of right was filed pursuant to **CPLR §1012(a)3** by the Town of Montauk. Furthermore, a petition for an **Executive Order** is before the honorable Governor to compel the Division of Corporations to file the **Certificate of Incorporation of the Township of Montauk** and to enable it to bring actions before this court. This matter concerns claims of jurisdiction over Napeague beaches under local law adverse to that of the Town of Montauk. Absent the governor's entry of the **Executive Order** petitioned for, the Town of Montauk will be inadequately represented. Alternately, the Attorney General is herewith notified that this action is amenable to intervention by his office pursuant to **CPLR §1012(b)1**. This matter will be properly determined by the court.

Attachments

For Township of Montauk by  Robert A. Ficalora