

Bob Ficalora

From: Bob Ficalora [bobfic@montauk.com]
Sent: Monday, July 11, 2005 2:57 PM
To: Stephen G. Court Esq.
Cc: Bob Ficalora
Subject: Court of Appeals filing

Steve,

I just got off of the phone with a Clerk at the Court of Appeals. All that is required is to file a CPLR 5601(b)(2) application (NY Const. Article VI §3 b(2)) with them is to file a notice of appeal in Riverhead and sent it to them together with a Rule 500.2 jurisdiction statement together with one copy of the record. We should also include an affidavit of service upon all parties of the Notice and Jurisdiction Statement.

Because no notice of entry has been served upon us, the clock has not yet started on the Appeal. Although the court is currently on vacation, we should send it in now anyway so that the record is complete when the see it.

We can just follow the same form as
http://www.montauk.com/legal/PDFS/ct_appeals/Vorp_CofA_Appeal_03Dec03.pdf

That's it! It's easy and it's cheap.

Let me know if you want to do the papers or if you want to do the draft. We'll need to compare the copy of the record to be delivered with the one on file in Riverhead.

-- Bob