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April 7, 2005

Honorable Daniel J. Loughlin
Justice of the Supreme Court
County of Suffolk
Griffing Avenue
Riverhead, New York 11901

Re: Town of Montauk v. The Honorable George Pataki, et al.
Index No.: 27553/04

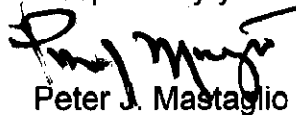
Dear Justice Loughlin:

This firm represents the respondent, The Brooklyn Historical Society, in the above purported Article 78 proceeding which originally appeared to be returnable on November 24, 2004 based on a Notice of Petition which reflected that date. This firm moved in behalf of the Historical Society to dismiss the petition. That motion was returnable before you on March 16, 2005. There was no opposition to that motion.

Since that time, I received Notice of Entry of your Order dated February 24, 2005 concluding that "there is no Article 78 petition currently pending before this Court." Since the petition to which my client's motion was addressed was never "pending before this Court," I hereby withdraw, with the permission of the Court, my client's motion which is addressed to that petition.

I understand that the petitioner has recently served an Amended Petition with Notice of Petition. That document will be addressed in due course.

Respectfully yours,



Peter J. Mastaglio

PJM:LZ

CC: Motion Clerk
Supreme Court, Suffolk County

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