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Appellate Division  
Supreme Court of the State of New York  
Second Judicial Department  
45 Monroe Place  
Brooklyn, N. Y. 11201

November 29, 2000

Mr. Robert A. Ficalora  
P. O. Box 2616  
Montauk, New York 11954

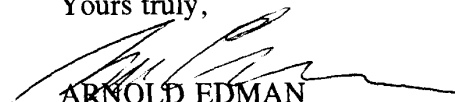
*Re: Ficalora v Town Board Government  
of East Hampton  
Docket No. 1999-02065*

Dear Sir:

Your motion for reconsideration or leave to appeal will be placed on the court's calendar on December 8, 2000.

Justice Bracken declined to sign your Order to Show Cause for a stay. It is herewith returned to you together with your supporting affidavit.

Yours truly,

  
ARNOLD EDMAN  
Deputy Clerk

AE/jl

cc: Cahn Wishod & Lamb  
Esseks Hefter & Angel

**Supreme Court of the State of New York  
Appellate Division : Second Judicial Department**

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Robert A. Ficalora as assignee of Montauk Friends of  
Olmsted Parks, inc., a not-for-profit corporation established  
under the laws of the State of New York

*Plaintiff,*

- against -

The town board government of East Hampton  
and  
Sunbeach Montauk II, inc., as claimant fee title holder to the  
Hither Plain Reservation and Bathing Reservation properties  
in Montauk.

*Defendants.*

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**Order to Show Cause**

Case No.  
99-02065

Upon the affidavit of Robert A. Ficalora, sworn to on November 21st, 2000, and the supporting documents attached thereunto, it is hereby

**ORDERED**, that defendant town board government of the Town of East Hampton show cause before this court at the Courthouse at 45 Monroe Place, Brooklyn, New York, at 9:30 a.m. on \_\_\_\_\_, 200\_\_ why an order should not be entered in this action enjoining and restraining it from approving or permitting any further subdivision of, or new construction upon, lands in Montauk, or construction or improvement upon Montauk lands by said Town, until trial, absent a showing of an incorporated or chartered basis for its claim of jurisdiction.

LET SERVICE of a copy of this order, and of the papers upon which is based, by service by United States express mail (overnight) to all defendants, attorney for the town board government of the Town of East Hampton on or before \_\_\_\_\_, 200\_\_ be deemed sufficient service thereof.

This order is entered by this court this \_\_\_\_\_, 200\_\_ and shall upon presentation be entered in the office of the clerk.

Enter:

*Decline to sign  
the above order to show cause  
this 29th day of November, 2000  
Lawrence Becker  
A.J.P.*