



State of New York
Court of Appeals

Donald M. Sheraw
Clerk of the Court

Clerk's Office
Albany 12207

October 7, 1985

George Sassower, Esq.
2125 Mill Avenue
Brooklyn, New York 11234

Re: Raffae, Sassower and Polur v. Klein and Saxe

Dear Mr. Sassower:

The Court has received your 500.2 jurisdictional statement and may examine its subject matter jurisdiction sua sponte with respect to whether a substantial constitutional question is directly involved to support an appeal as of right (CPLR §5601[b]).

This communication is without prejudice to any motion any party may wish to make. If you conclude that the order is not appealable as of right, please arrange for the execution of a stipulation consenting to a dismissal of the appeal and transmit that paper to my office. If a stipulation is to be forthcoming, please inform me immediately.

On the other hand, if you wish to persevere in the appeal, you are invited to present to the Court in writing within ten days of this letter's date your comments justifying the retention of subject matter jurisdiction. Your adversaries are likewise afforded this opportunity.

If this sua sponte inquiry is terminated by the Court, the Clerk will notify counsel in writing and set a new schedule for normal perfecting of the appeal.

Very truly yours,

Donald M. Sheraw

Donald M. Sheraw

KCB:pk

cc: Hon. Robert Abrams
Feltman, Karesh & Major, Esqs.
Kreindler & Relkin, P.C.