



NEW YORK SUPREME COURT
APPELLATE DIVISION, THIRD DEPARTMENT
BOX 7288, CAPITOL STATION
ALBANY, N.Y. 12224

MICHAEL J. NOVACK
CLERK

518-474-3609

October 19, 1990

Doris L. Sassower, P.C.
283 Soundview Avenue
White Plains, New York 10606

Re: Castracan v Colovita

Dear Ms. Sassower:

Your FAX letter of October 19, 1990 has been reviewed by Presiding Justice Mahoney and he has directed me to advise you as follows:

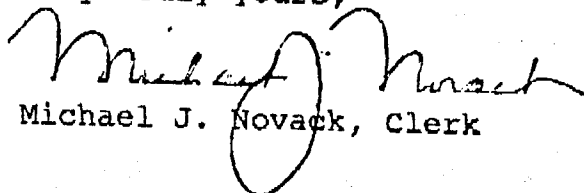
1) This matter will not be accepted as a submitted case for the purpose of having it decided prior to the November 6, 1990 election for the reasons, inter alia, that the court is now in recess, the judges have left Albany, the several respondents have yet to file briefs, and it would be wholly inappropriate to attempt to render a reasoned decision in this case under such circumstances and time constraints.

2) Your appeal will be scheduled in the normal course (ie. at the January or February term) unless you obtain a preference from the Court, upon proper application, directing that the appeal be heard at an earlier term.

3) Any application for a preference, or for any other relief with respect to this matter, must be made by formal motion upon the required notice to all parties.

I fully understand and appreciate that the above directions from the Presiding Justice will not be satisfactory to you. However, with regard to any further requests by you for relief from the undersigned, I am sure you know that I have no authority to change or modify these directions in any respect.

Very truly yours,


Michael J. Novack, Clerk

tbf

Exhibit "B"