



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207*

June 25, 2009

Bryan Cave LLP
Attn: Philip E. Karmel, Esq.
1290 Avenue of the Americas
New York, NY 10104-0101

South Brooklyn Legal Services
Attn: Jennifer Levy
105 Court Street
Brooklyn, NY 11201

Emery Celli Brinckerhoff & Abady LLP
Attn: Matthew D. Brinckerhoff, Esq.
75 Rockefeller Plaza, 20th Floor
New York, NY 10019-6908

Re: Matter of Goldstein v NYS Urban Dev. Corp.

Dear Counselors:

This letter acknowledges receipt and administrative review of appellants' preliminary appeal statement, Mr. Karmel's June 15, 2009 letter and Mr. Brinckerhoff's June 19, 2009 letter.

This appeal shall be scheduled for argument during the Court's October session and is subject to the following briefing schedule:

Appellants' brief and record materials shall be served and filed by July 31, 2009. Failure to comply with this due date, which is a final date, shall subject the appellants to dismissal of the appeal (see section 500.16[a] of the Court's Rules of Practice). The fee required by section 500.3 of the Court's Rules of Practice is payable upon the filing of record material.

Respondent's brief shall be served and filed by September 10, 2009. Failure to comply with this due date, which is a final date, shall subject the respondent to preclusion (see section 500.16[b] of the Court's Rules of Practice).

Appellants may serve and file a reply brief by September 25, 2009.

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In addition to the merits, the briefs should address the Court's subject matter jurisdiction with respect to whether a substantial constitutional question is directly involved to support an appeal as of right, which the Court will consider with the arguments on the merits. The parties should be prepared to address the jurisdictional issue at oral argument.

Parties are expected to comply with the service and filing dates stated above. "Filed" means received by the Clerk's office.

Pursuant to section 500.6 of the Court's Rules of Practice, the parties must keep the Clerk's office apprised of the status of ongoing proceedings, if any, at an administrative agency, Supreme Court, the Appellate Division or other court. A calendar letter setting a date certain for argument shall be issued in due course.

Questions may be directed to Susan Dautel at (518) 455-7701 or James Costello at (518) 455-7702.

Very truly yours,



Stuart M. Cohen

SMC/JAC/ni

Encs.



State of New York
Court of Appeals
 20 Eagle Street
 Albany, New York 12207-1095
www.nycourts.gov/courts/appeals

Schedule of Argument Dates 2009

2009

JANUARY	FEBRUARY	MARCH
S M T W Th F S 1 2 3 4 5 <u>6 7 8</u> 9 10 11 12 <u>13 14 15</u> 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 9 <u>10 11 12 13</u> 14 15 16 <u>17 18 19 20</u> 21 22 23 24 25 26 27 28	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 <u>24 25 26</u> 27 28 29 30 <u>31</u>
APRIL	MAY	JUNE
S M T W Th F S <u>1 2</u> 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 <u>28 29 30</u>	S M T W Th F S 1 2 3 4 <u>5 6 7 8</u> 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 <u>2 3 4</u> 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 <u>22 23</u> 24 25 26 27 28 29 30
JULY	AUGUST	SEPTEMBER
S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 <u>25 26</u> 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 <u>9 10</u> 11 12 13 14 <u>15 16 17</u> 18 19 20 21 22 23 24 25 26 27 28 29 30
OCTOBER	NOVEMBER	DECEMBER
S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 <u>13 14 15</u> 16 17 18 19 <u>20 21 22</u> 23 24 25 26 27 28 29 30 31	S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 <u>17 18 19</u> 20 21 22 23 24 25 26 27 28 29 30	S M T W Th F S 1 2 3 4 5 6 7 8 <u>9 10</u> 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

April 25, 2008