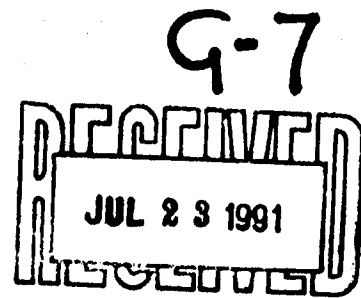




State of New York
Court of Appeals



Donald M. Sheraw
Clerk of the Court

Clerk's Office
Albany, New York 12207

July 16, 1991

Eli Vigliano, Esq.
1250 Central Park Avenue
P.O. box 310
Yonkers, New York 10704

Re: M/O Castracan and Bonelli v. Colavita et al.

Dear Mr. Vigliano:

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.

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, including references to the record demonstrating that a constitutional question was raised in the court or other forum of original instance. Also please enclose a copy of each brief filed in the Appellate Division, as well as a copy of the Record on Appeal or Appendix filed in that court. Your adversary is likewise afforded the opportunity to comment in writing on the subject matter jurisdiction.

Eli Vigliano, Esq.

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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,

Stuart M. Cohen

Stuart M. Cohen
Deputy Clerk

SMC:mec

cc: John Ciampoli, Esq.
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Hon. Robert Abrams