

November 2, 1990

Clerk of the Court
Appellate Division
Third Department
Box 7288, Capitol Station
Albany, New York 12224

ATT: Michael J. Novack, Esq.
Clerk of the Court

RE: Castracan v. Colavita
Index No. 6056/90

Dear Mr. Novack:

The Order of the Court made herein, dated October 30, 1990, allows the twelve Respondents, represented by eight separate law firms, two months from the time that I served them with Appellants' Briefs and Record on Appeal to file their Briefs. Only ten days were given to Appellants to reply. This is additionally onerous since those ten days fall during the Christmas holiday season and include only six working days.

I do believe Appellants should be allowed ten days to respond to each Brief--for a total of eighty days--which, coincidentally, would be the equivalent time in toto to that accorded to Respondents' counsel, i.e., two months.

The Court's denial of the preference relief, which was intended to expedite the hearing of the case before Election Day, seems to support the opinion that there is no prejudice to anyone by fixing a schedule which sets arguments in 1991--be it the January Term or the March term. We, therefore, request that the time for Appellants to file Reply Briefs be extended to February 18, 1991, which you informed me is the date for submission of reply briefs for the March term.

Parenthetically, that would permit the possibility of amicus curiae briefs by the various bar associations, who would then have sufficient time to make appropriate application, as well as serve and file them.

Doris L. Sassower, P.C.

Michael J. Novack

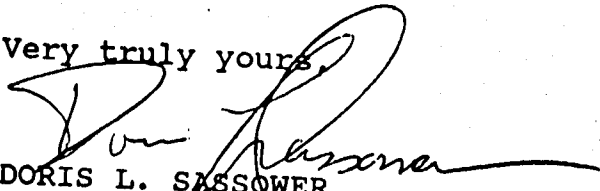
Page Two

November 2, 1990

We are bringing this application before the Court in letter form, as you suggested in our telephone conversation.

Thank you for your kind assistance.

Very truly yours,


DORIS L. SASSOWER

DLS/hd

cc:

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Thomas J. Abinanti, Esq.
Westchester County Attorney
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