

mlcl.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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BARKLEE REALTY COMPANY LLC :
and BARKLEE 94 LLC, :

Plaintiffs, :

-against- :

GEORGE E. PATAKI, AS GOVERNOR OF THE :
STATE OF NEW YORK, :

Defendant. :

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Index No. 120546/99
IAS Part 16
(Schlesinger, J.)

NOTICE OF APPEAL

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S I R S :

PLEASE TAKE NOTICE that, pursuant to CPLR 5701(a); defendant George E. Pataki, as Governor of the State of New York, hereby appeals to the Supreme Court of the State of New York, Appellate Division, First Department, from so much of the order of the Supreme Court of the State of New York, County of New York (Alice Schlesinger, J.), dated November 16, 2001 and entered in the office of the New York County Clerk on November 28, 2001 as granted plaintiffs' motion for summary judgment, as denied defendant's cross-motion for summary judgment, as declared that Limited Liability Company Law § 206 violated plaintiffs' rights to due process of law, equal protection of the law, and access to New York's courts, and as enjoined defendant and the State of New York from enforcing Liability Company Law § 206, and from each and every part thereof.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 5519(a) subd. 1, service of this Notice of Appeal stays all proceedings to enforce the order appealed from pending determination of this appeal.

Dated: January 10, 2002
New York, New York

Yours, etc.,

ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendant

By:



Frederic L. Lieberman
Assistant Attorney General
120 Broadway
New York, New York 10271
Tel. No. (212) 416-8372

To: Barbara Kraebel
60 East 42nd Street
Suite #1146
New York, New York 10165

Member of Plaintiffs, Pro Se