



STATE OF NEW YORK
DEPARTMENT OF STATE
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NOTICE REGARDING PUBLICATION

Limited Liability Company Law Section 206 provides for publication by limited liability companies. On November 16, 2001, the Supreme Court of the State of New York (Hon. Alice Schlesinger, J.S.C.) issued a Memorandum / Decision which held that Section 206 is unconstitutional. The Decision enjoins the State from enforcing this section. (See, Barklee Realty Company LLC and Barklee 94 LLC vs. George E. Pataki, as Governor of the State of New York, Memorandum / Decision dated November 16, 2001 [Supreme Court, New York County, Index No. 120546/99].)

A copy of Judge Schlesinger's Memorandum / Decision is available at the New York State Unified Court System's On Line Decisions web site, at the following address:

http://decisions.courts.state.ny.us/fcas/FCAS_docs/2001NOV/30012054619993SCIV.PDF

The Department of State expresses no opinion with regard to the possible outcome of any appeal that may be filed.

The Department of State expresses no opinion with regard to the applicability of Judge Schlesinger's Memorandum / Decision to other publication provisions in the Limited Liability Company Law or publication provisions in the Partnership Law which are applicable to limited partnerships and registered limited liability partnerships.

The Department of State is not in a position to provide legal advice regarding publication. Filers and other parties interested in publication by limited liability companies, or by other entities, should consult with their own attorneys for advice.

The Department of State will continue to accept affidavits of publication presented for filing.

New York State Department of State
Division of Corporations, State Records and
Uniform Commercial Code