

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
ILANN M. MAAZEL
ERIC HECKER
MARIANN MEIER WANG
SARAH NETBURN
KATHERINE ROSENFELD
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KENNISHA A. AUSTIN
DEBRA L. GREENBERGER
ELORA MUKHERJEE

EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW
75 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10019

TELEPHONE
(212) 763-5000
TELECOPIER
(212) 763-5001
WEB ADDRESS
www.ecbalaw.com

June 19, 2009

By Federal Express

The Hon. Stuart M. Cohen
Clerk of the Court
Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

Re: *Goldstein, et al. v. N.Y. State Urban Develop. Corp.*,
(App. Div., 2nd Dep't, Docket No. 2008-7064)

Dear Mr. Cohen:

We, along with co-counsel, represent Appellants in the above-referenced appeal. Appellants filed their Notice of Appeal on June 12, 2009. In accordance with § 500.9(a) of the Rules of the Court of Appeals, enclosed for filing is Appellants' Preliminary Appeal Statement. We understand that, pursuant to § 500.9(c) of the Rules of the Court of Appeals, we will be notified either that review under §§ 500.10 or 500.11 will commence, or that the appeal will proceed in the normal course.

By letter dated June 15, 2009, counsel for Respondent urged the Court to exercise its authority pursuant to § 500.10 of the Rules of the Court of Appeals. While Appellants do not believe that review is necessary because the substantial nature of the constitutional issues presented are manifest, we will, of course, make a more detailed showing should the Court invoke review under § 500.10. In its letter, Respondent also sought a calendar preference pursuant to § 500.17(b) of the Rules of the Court of Appeals. Respondent's request is premature because we have not yet been notified that this appeal will proceed in the normal course. The request also does not comply with § 500.17(b). Insofar as the parties are notified that this appeal will proceed in the normal course, we will consult with counsel for Respondent concerning any request for a calendar preference as required by § 500.17(b).

Respectfully submitted,



Matthew D. Brinckerhoff

c. Counsel for Respondent (via fedex)