



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER
Attorney General

APPEALS AND OPINIONS BUREAU

Telephone (518) 474-5487

December 4, 2003

VIA EXPRESS MAIL

Leon R. Koziol, Esq.
1518 Genesee Street
The Tower Building
Utica, New York 13502

Re: Peterman v. Pataki
CA 03-00914

Dear Mr Koziol

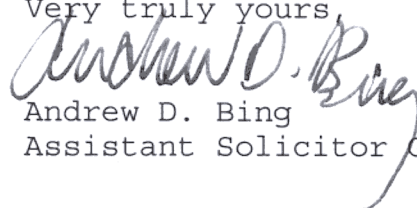
As you may be aware, the Supreme Court of the United States has denied the State's petition for certiorari in Pataki v. Saratoga County Chamber of Commerce, Inc. Accordingly, the State defendants-appellants here intend to withdraw this appeal. The rules of the Appellate Division, Fourth Department, provide that withdrawal of an appeal requires a stipulation of discontinuance signed by counsel. 22 N.Y.C.R.R. § 1000.18(b).

Accordingly, I have enclosed three copies of a stipulation (one white-backed for the Court and two with yellow backers) that I have signed withdrawing and discontinuing this appeal. Please sign the copies and return to me at your earliest convenience the white Court copy and one of the yellow-backed copies so that I may promptly file the stipulation with the Court. You may retain one yellow copy for your file.

As this stipulation must be filed with the Court before December 19, I very much appreciate your earliest attention to this matter. Please return the two copies of the stipulation to me in the enclosed pre-addressed and pre-paid Express Mail envelope. Please call me at (518) 474-5487 if you have any questions.

Thank you very much for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Andrew D. Bing". The signature is written in black ink and is positioned above the typed name and title.

Andrew D. Bing
Assistant Solicitor General

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