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Number: 186
Ref #: 11--006733
Doc Type: C05 NOTICE OF APPEAL

Plnt: NORTH HEMPSTEAD
Dfnd: NASSAU COUNTY
Dfnd: COMPTROLLER OF THE COUNTY OF NASSAU
TOWN OF

FOS001

Taxes Total	.00
Recording Totals	65.00
Total Payment	65.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED
MAUREEN O'CONNELL
COUNTY CLERK

2011063000186

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
In the Matter of the Application of the

TOWN OF NORTH HEMPSTEAD,

Index No.: 006733/2011

Plaintiff-Petitioner,

For a Judgment Pursuant to Sections 3001 and 78 of the
Civil Practice Law and Rules and for a permanent
injunction and to quash a subpoena

NOTICE OF APPEAL

-against-

COUNTY OF NASSAU and
George MARAGOS, as Comptroller of the
County of Nassau,

Defendants-Respondents.

-----X

COUNSEL:

PLEASE TAKE NOTICE that the TOWN OF NORTH HEMPSTEAD (the
“Town”) hereby appeals to the Appellate Division, Second Department, from an Order dated
June 17, 2011, issued by Honorable Denise L. Sher, Justice of the Supreme Court, County of
Nassau and entered on June 20, 2011, which denied the Town’s petition for a writ of prohibition
permanently forbidding defendants-respondents-respondents' County of Nassau (the “County”)
and George Maragos, as Comptroller of the County of Nassau (the “County Comptroller”) from
proceeding with an unauthorized and unconstitutional audit of the Town; an order quashing the
County Comptroller’s subpoena *duces tecum*, served without legal authority; a preliminary
injunction and stay of further proceedings, pursuant to CPLR Sections 7805 and CPLR Sections
6311 and 6313l; a judgment declaring that the County Comptroller is without jurisdiction to
audit the Town, a political subdivision of the State of New York; and a judgment declaring that

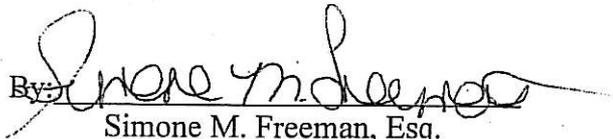
Section 402(6) of the Nassau County Charter, to the extent it would authorize the County Comptroller to audit the Town and it's Town Board-governed park district, is unconstitutional, and the Town appeals from each and every part of said Order.

Pursuant to CPLR § 5519(A) service of the Notice of Appeal stays all proceedings to enforce the Order appealed from.

Dated: Manhasset, New York
June 30, 2011

Yours, etc.,

RICHARD S. FINKEL, Town Attorney

By: 

Simone M. Freeman, Esq.
Deputy Town Attorney
Attorney for Plaintiff-Petitioner
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