

WHITEMAN
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August 25, 2009

Susan L. Wine
Rivendell Winery, LLC
507 Albany Post Road
New Paltz, New York 12561

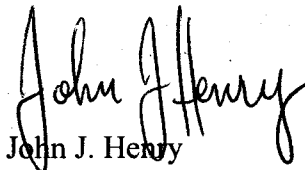
Re: Rivendell Winery, LLC, and Susan L. Wine v. Town of New Paltz, et al.
1:09-CV-00547 (DNH/DRH)

Dear Ms. Wine:

We have received your proposed proof of the Record on Appeal in the above matter, as well as the August 20, 2009 letter from Joseph Moriello in response. We join in the objections set forth in Mr. Moriello's August 20 letter.

In addition, I note that it is not permissible for you to appear pro se in this matter on behalf of Rivendell Winery, LLC since a limited liability company, like a corporation, cannot appear pro se. Moreover, there has been no substitution or withdrawal counsel by either Campanelli & Associates, P.C., the firm that filed the notice of appeal, or by Keane & Beane, P.C., the firm that appeared on Petitioners' behalf in the lower court. Accordingly, your attempt to proceed pro se in this matter is improper.

Sincerely,


John J. Henry

Cc: J. Moriello, Esq.
G. Lithco, Esq.
A. Campanelli, Esq.
J. Sachs, Esq.