

ACKNOWLEDGMENT AND NOTICE OF APPEARANCE

Short Title: Weisshaus v Port Authority of NY & NJ Docket No.: 11-4934

Lead Counsel of Record (name/firm) or Pro se Party (name): Eric T. Schneiderman, Attorney General of the State of New York

Appearance for (party/designation): Purported defendant(s)-appellee(s) State of NY, NYS Assembly, NYS Senate as addressed in attached letter

DOCKET SHEET ACKNOWLEDGMENT/AMENDMENTS

Caption as indicated is:

- () Correct
() Incorrect. See attached caption page with corrections.

Appellate Designation is:

- () Correct
() Incorrect. The following parties do not wish to participate in this appeal:

Parties: _____

- (✓) Incorrect. Please change the following parties' designations:

Party Correct Designation

**As per the attached letter, the purported state defendants-appellees should be designated only as defendants.

Contact Information for Lead Counsel/Pro Se Party is:

- (✓) Correct
() Incorrect or Incomplete, and should be amended as follows:

Name: _____
Firm: _____
Address: _____
Telephone: _____ Fax: _____
Email: nyoag.nycpdf@ag.ny.gov

RELATED CASES

- () This case has not been before this Court previously.
() This case has been before this Court previously. The short title, docket number, and citation are: _____
() Matters related to this appeal or involving the same issue have been or presently are before this Court. The short titles, docket numbers, and citations are: _____

CERTIFICATION

I certify that (✓) I am admitted to practice in this Court and, if required by LR 46.1(a)(2), have renewed my admission on August 2009 OR that () I applied for admission on _____ or renewal on _____. If the Court has not yet admitted me or approved my renewal, I have completed Addendum A.

Signature of Lead Counsel of Record: ****Please see attached letter****

Type or Print Name: by Oren L. Zeve, Assistant Solicitor General, of counsel to Eric T. Schneiderman, Attorney General of the State of New York
OR

Signature of pro se litigant: _____
Type or Print Name: _____

- () I am a pro se litigant who is not an attorney.
() I am an incarcerated pro se litigant.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

BARBARA D. UNDERWOOD
SOLICITOR GENERAL

August 25, 2011

Honorable Catherine O'Hagan Wolfe
Clerk
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Weissbaus v Port Authority of NY & NJ*, No. 11-4934

Dear Ms. Wolfe:

I write to advise the Court that the New York State Attorney General's Office does not represent any purported New York State defendant—specifically, State of New York, New York State Assembly, and New York State Senate—in this litigation and accordingly will not be appearing as counsel or filing an appellee's brief in this appeal. However, the Office wishes to be kept informed of the proceedings before this Court.

More particularly, there is no jurisdiction over any of the purported New York State defendants because neither the State, nor its agencies, officials, or employees was served. As reflected on the district court docket sheet, that court dismissed the complaint as frivolous prior to service of the summons and complaint. This Office lacks authority to waive proper service, and has not been asked to represent any purported defendant. Accordingly, it is unable as a matter of law to appear as counsel.

If the Court concludes that the submission of an *amicus* brief would aid its determination of this appeal, please advise us of that fact.

Respectfully yours,
/s/ Oren L. Zeve
Oren L. Zeve
Managing-Administrative
Assistant Solicitor General

cc: Y. Weisshaus, pro se appellant