



**November 16, 2011**

To: The Honorable Justices  
United States Court of Appeals  
for the Second Circuit  
500 Pearl St.  
New York, NY 10007

Re: Weisshaus v Port Authority et al. SDNY: 11-cv-6616

Dear Justices,

I am Yoel Weisshaus, plaintiff-appellant in this action.

I request leave to pursue this appeal without effecting service to the adversaries-appellees, because the suit was dismissed by the lower court *sua sponte* before the issuance of a summons and their appearance.

The determination on appeal is to review whether the lower Court erred in dismissing a legitimate cause of action and overlooked its rightful jurisdiction.

This appeal is in good faith to reverse the order of dismissal by Honorable Deborah Batts because:

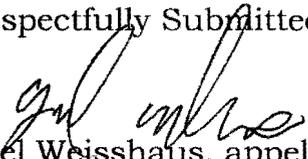
- (i) Both The New York and New Jersey States statutes consent to the District Court jurisdiction of a suit and liability against the Port Authority of New York and New Jersey ("Port Authority").
- (ii) The United States Supreme Court held that the Port Authority is not subject to immunity of under the Eleventh Amendment. Feeney v. Port Authority Trans-Hudson Corp., 495 U.S. 299, (1989)
- (iii) The cause of action of unjust enrichment and price discrimination is that the Port Authority charges more money, for those who do not have an EZ Pass and pay with cash. Starting December 2012 there will be an additional penalty for paying in cash). Moreover, a penalty

or even charging more for the same service for a different person is a valid cause for economic discrimination.

- (iv) The Port Authority increased toll prices absent public notice.
- (v) State law allows only the prosecution of those who “evade” the toll, but does not call for and should not allow prosecution of those who must use the bridges and tunnels and cannot afford to pay the toll.
- (vi) The Court should have given the opportunity for plaintiff to correct the deficiencies in the complaint.

This Court’s determination is necessary for the exemption of service, and your direction would be greatly appreciated.

Respectfully Submitted



Yoel Weisshaus, appellant