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September 8, 2009

**VIA REGULAR MAIL & FACSIMILE (914) 995-4010**

Honorable Orazio R. Bellantoni, J.S.C.  
Supreme Court of the State of New York  
Westchester County Courthouse  
111 Dr. Martin Luther King, Jr. Blvd.  
White Plains, New York 10601

Re: Town of Yorktown et al. v. Thomas DeChiaro, et al.  
Index No: 15369/09

Dear Judge Bellantoni:

We represent the defendants in the above referenced matter and are writing in response to the correspondence and proposed sur-reply from plaintiffs' counsel, Karen L. Wagner, dated September 3, 2009.

We strenuously object to the entirety of Ms. Wagner's sur-reply as it is replete with downright falsehoods and fabrications which are proven as such by her own Exhibit "A."

After being made aware of the defendants' Political Action Committee ("PAC") and recognizing that the defendants possessed certain constitutional rights with respect to their property for purposes of political assembly and holding political fundraisers, Judge Lefkowitz deliberately refused to grant the plaintiffs the extremely broad injunctive relief it was seeking and enjoined the defendants from holding any *commercial* functions of more than 25 people on their property.

The defendants intend to hold several political fundraisers, limited in capacity, for their New York State registered PAC known as People 4 Honest Government in complete conformance with Judge Lefkowitz' Order and as she contemplated when executing same.

The problem for the plaintiff Town, however, is that the stated mission of the defendants' PAC is to promote political candidates to oppose and unseat the Town's current administration.

The plaintiffs' are fully aware that there is no commercial activity being conducted on the defendants' property. By holding these political fundraisers, the defendants are not doing anything they would not be able to do at their own residence. In fact, these political fundraisers are consistent with the ongoing fundraisers currently being conducted by sitting Town officials at private residences within and around Yorktown, whereat alcohol has been flowing freely.

In her sur-reply affirmation, Ms. Wagner affirms that the defendants are "inviting unlimited members of the general public" (§4) and "are encouraging as many people as possible to attend such events without regard to the current Court-imposed restriction." (§13).

However, even a cursory look at the defendants' invitation to their political fundraiser (Plaintiff's Exhibit A) demonstrates the contrary.

In the invitation to their political fundraisers, the defendants specifically state that "space is limited" and requests that attendees "RSVP as soon as possible."

By doing so, the defendants have limited attendance to each one of their political fundraisers to an average of 20 to 22 people, and never more than 25, to keep in conformance with the Order of the Court.

Accordingly, the defendants respectfully request that the Court disregard the plaintiffs' embellished and needless sur-reply which is nothing more than the latest attempt by the plaintiffs to falsely cast the defendants in a bad light.

We thank the Court for its consideration in this regard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Antwork". The signature is stylized with a large initial "D" and a long horizontal stroke extending to the right.

David A. Antwork

cc: Karen L. Wagner, Esq. (Via facsimile only 914-997-1039)