

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
VERIZON NEW YORK INC. and LONG ISLAND
LIGHTING COMPANY d/b/a LIPA,

Plaintiffs,

-against-

THE VILLAGE OF WESTHAMPTON BEACH, THE
VILLAGE OF QUOGUE and THE TOWN OF
SOUTHAMPTON,

Defendants.
-----X

CV-11-0252 (LDW)(AKT)

DECLARATION

BRIAN S. SOKOLOFF, an attorney duly admitted to practice before this Court, declares that the following statements are true and correct under the penalty of perjury:

1. I am a member of the law firm of **SOKOLOFF STERN LLP**, counsel for defendant **VILLAGE OF WESTHAMPTON BEACH** in this action. I submit this declaration in connection with the defendants' motion for summary judgment and a preliminary injunction.

2. The annexed exhibits are relevant to the defendants' motion. Each exhibit is a true and accurate copy of what it purports to be. Annexed hereto are the following exhibits:

3. Annexed hereto as Exhibit A is a copy of the Verizon/LIPA Complaint, dated January 18, 2011.

4. Annexed hereto as Exhibit B is a copy of Defendant Westhampton Beach's Answer and Counterclaims in this action, dated July 9, 2012.

5. Annexed hereto as Exhibit C is a copy of East End Eruv Complaint, dated January 13, 2011.

6. Annexed hereto as Exhibit D is a copy of East End Eruv Amended Complaint, dated February 3, 2012.

7. Annexed hereto as Exhibit E is a copy of Verizon Answer to Counterclaims, dated August 2, 2012.
8. Annexed hereto as Exhibit F is a copy of LIPA Answer to Counterclaims, dated August 2, 2012.
9. Annexed hereto as Exhibit G is a copy of Jewish People for the Betterment of Westhampton Beach Complaint, dated July 30, 2012.
10. Annexed hereto as Exhibit H is a copy of Declaration of Morris Tuchman, dated August 7, 2012.
11. Annexed hereto as Exhibit I is a copy of Declaration of Marvin L. Tenzer, dated August 7, 2012.
12. Annexed hereto as Exhibit J is a copy of Declaration of Alan Schechter, dated August 7, 2012.
13. Annexed hereto as Exhibit K are portions of 2011 transcript of preliminary injunction hearing in East End Eruv Association, Inc., et al, v. The Village of Westhampton Beach, et al., CV 11-0213 (LDW) (AKT).
14. Annexed hereto as Exhibit L is a copy of August 16, 2010 Eruv-Lechi Stave Agreement between EEA and Verizon.
15. Annexed hereto as Exhibit M is a copy of July 27, 2011 License Agreement between EEEA and LIPA.
16. Annexed hereto as Exhibit N is a copy of June 13, 2011 Pole Attachment Agreement for Miscellaneous Attachments between EEA and Verizon.
17. Annexed hereto as Exhibit O is a copy of Declaration of Robert G. Sugarman, dated August 7, 2012.

18. Annexed hereto as Exhibit P is a copy of Map of Planned Quogue-Westhampton Beach eruv that was provided to counsel for Quogue and Westhampton Beach on December 6, 2011.

19. Annexed hereto as Exhibit Q is a copy of May 24, 2012 Letter from Michael Wiles to Brian Sokoloff.

20. Annexed hereto as Exhibit R is a copy of June 1, 2012 Letter from Erica Weisgerber to Brian Sokoloff.

21. Annexed hereto as Exhibit S is a copy of October 19, 2008 Letter from Robert G. Sugarman.

22. Annexed hereto as Exhibit T is a copy of April 4, 2001 Affirmation of Rabbi Hershel Schachter.

23. Annexed hereto as Exhibit U is a copy of Declaration of William J. Balcerski, dated August 6, 2012.

24. Annexed hereto as Exhibit V is a copy of a 1910 franchise agreement between the Town of Southampton and the Riverhead Electric Company.

25. Annexed hereto as Exhibit W is a copy of a document reflecting the 1911 franchise agreement between the Town of Southampton and the Patchogue Electric Lighting Company.

26. Annexed hereto as Exhibit X is a copy of documents reflecting the 1912 assignment of the 1910 franchise agreement between the Town of Southampton and the Riverhead Electric Company to either the Patchogue Electric Light Company or Suffolk Light Heat and Power Co.

27. Annexed hereto as Exhibit Y is a copy of a document reflecting the Town of Southampton Town Board's 1917 approval of the assignment of the 1910 franchise agreement to the Long Island Lighting Company.

28. Annexed hereto as Exhibit Z is a copy of a document reflecting the Town of Southampton Town Board's 1964 approval of the transfer of the franchise from Patchogue Electric Light Company to Long Island Lighting Company.

29. Annexed hereto as Exhibit AA is a copy of a 1938 Resolution reflecting the franchise agreement between the Village of Westhampton Beach and the United States Coast Guard.

30. Annexed hereto as Exhibit BB is a copy of a 1952 Resolution reflecting the assignment of the 1938 franchise agreement between the Village of Westhampton Beach and the United States Coast Guard to New York Telephone Company.

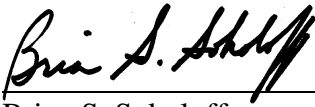
31. Annexed hereto as Exhibit CC is a copy of a May 25, 2012 Letter from Michael Wiles to Brian Sokoloff.

32. Annexed hereto as Exhibit DD is a copy of a 1985 permit to New York Telephone Company to install a utility pole in Westhampton Beach.

33. Annexed hereto as Exhibit EE is a copy of a 1989 permit to New York Telephone Company to install a utility pole in Westhampton Beach.

Dated: Westbury, New York
August 21, 2012

SOKOLOFF STERN LLP
Attorneys for Westhampton Beach
Defendants

By: 

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