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December 6, 2012

VIA HAND DELIVERY

Susanna Molina Rojas
Clerk of the Court
New York State Supreme Court, Appellate Division, First Department
27 Madison Avenue
New York, NY 10010

Re: Lucker et al. v. Bayside Cemetery et al., New York County Index No. 114818/09
Leventhal v. Bayside Cemetery et al., New York County Index No. 100530/11

Dear Ms. Molina Rojas:

I write as counsel to defendants-respondents Congregation Shaare Zedek and Bayside Cemetery in the above-referenced actions.

Congregation Shaare Zedek and Bayside Cemetery have no objection to the pending motion to consolidate the pending appeals in those matters (Motion # 2012-5661), on the understanding that: (i) any consolidation would be solely for purposes of appeal, and (ii) that the parties' briefing of the Leventhal appeal and defendants' cross-appeal would be unaffected (other than as to the deadline for Mr. Leventhal to perfect his appeal and changes to subsequent deadlines that flow from that).

If our understanding of plaintiffs' motion is incorrect, we would respectfully request that the appeals proceed in the ordinary course.

Respectfully submitted,



Russell M. Steintahl

cc: Michael M. Buchman, Esq. (by electronic mail)