

SCICCHITANO & PINSKY, PLLC

ATTORNEYS AT LAW

Partners:

Gregory A. Scicchitano, Esq. *

Bradley M. Pinsky, Esq.

*Also Admitted in NJ and PA

5789 Widewaters Pkwy
Syracuse, New York 13214

(315) 428-8344

(315) 475-8230 (fax)

David B. Garwood, of counsel

July 10, 2008

Hon. Brian F. DeJoseph
Onondaga County Supreme Court
401 Montgomery Street
Syracuse, New York 13202

RE: Stassi vs. Dept. of Health Index No. 07-6251

Dear Judge DeJoseph:

We are in receipt of a letter from Ann B. Ruffer dated July 8, 2008 requesting additional time for the decision to be stayed. We strongly oppose NAVAC's appearance and request for any relief. First, NAVAC was not party to this matter and NAVAC's attorney specifically refused to have NAVAC joined in this matter. Thus, NAVAC should have no voice whatsoever in this matter and should have no right to request any benefit from Your Honor.

Second, more than thirty (30) days has elapsed since notice of entry and this record should be closed and the judgment final.

Third, your stay was more than gracious. NAVAC's argument is that the application process will take longer than ninety (90) days. NAVAC operated in that territory without authority for decades and was the beneficiary of billing money that should have belonged to Petitioner NOVA. In all fairness, NAVAC has received more of a benefit than it ever deserved. In fact, NAVAC's application was made to the Department of Health solely because NAVAC was "caught" operating without authority. NAVAC has had the benefit of operating in this territory for far too long.

As a matter of simple fairness, NOVA has been finally recognized by 911 as the proper primary ambulance service in the territory in question. NAVAC should never have been operating in that territory in the first place. Extending the stay grants NAVAC a benefit to which it was never entitled. The Department of Health improperly granted NAVAC time to which it was never entitled.

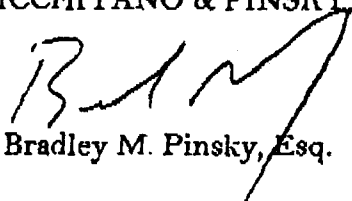
Therefore, we respectfully request that this Court refuse to extend the stay. We note that this request was not made via motion or any other proper method of an appearance. NAVAC is not be entitled to make a motion in this matter, since it refused to be joined as a party.

On behalf of NOVA and in the interest of fairness, we respectfully request that the order not be modified.

Very truly yours,

SCICCHITANO & PINSKY, PLLC

By:


Bradley M. Pinsky, Esq.

cc:

Anne B. Ruffer

Edward McArdle, Esq.

John Sharon, Esq.