

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

X

In Re:  
SUFFOLK READY MIX, LLC,

Chapter 11  
Case No. 09-75473

Debtor.

X

NOTICE OF APPEARANCE AND DEMAND FOR  
NOTICES AND SERVICE OF PAPERS

PLEASE TAKE NOTICE that the Commissioner of the New York State Department of Taxation and Finance by Josh Russell, District Tax Attorney, hereby appears in the above-captioned case for the State of New York, Department of Taxation and Finance (the “Department”), a creditor of Suffolk Ready Mix, LLC, and pursuant to Rules 2002, 9007 and 9010(b) of the Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code, the Department demands that any and all notices given or required to be given in the above-captioned Chapter 11 case and all papers served or required to be served in the above-captioned Chapter 11 case be given to and served upon the undersigned at the offices, telephone and telecopier numbers set forth herein.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 1109(b) of the Bankruptcy Code, the foregoing demand includes not only the notices and papers referred to in the bankruptcy rules specified above, but also includes, without limitation, notices of any application, complaint, demand, hearing, motion, petition, pleading or request, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, delivery, telephone, telegraph, telecopier, telex, e-mail or otherwise.

DATED: August 5, 2009

DANIEL SMIRLOCK  
Deputy Commissioner and Counsel

BY: /s/ Josh Russell  
Josh Russell, Esq.  
District Tax Attorney  
400 Oak Street, Suite 102  
Garden City, NY 11530  
(516) 542-6061

