

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION – FIRST DEPARTMENT

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In the Matter of	:	New York County
	:	Index No. 104597/2007
	:	
DEVELOP DON'T DESTROY BROOKLYN, INC., et al.	:	<b>NOTICE OF</b>
	:	<b>CROSS-MOTION</b>
	:	
Petitioners-Plaintiffs-Appellants	:	
	:	
For a Judgment Pursuant to Article 78 of the CPLR and	:	
Declaratory Judgment	:	
	:	
– against –	:	
	:	
URBAN DEVELOPMENT CORPORATION d/b/a	:	
EMPIRE STATE DEVELOPMENT CORPORATION,	:	
et al.	:	
	:	
	:	
Respondents-Defendants-Respondents.	:	

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PLEASE TAKE NOTICE that respondent-defendant-respondent New York State Urban Development Corporation d/b/a Empire State Development Corporation, upon the annexed Affirmation of Philip E. Karmel dated January 25, 2008, and the exhibits thereto, and based upon the points and authorities set forth in the accompanying Memorandum of Law, will move this Court, at a term thereof to be held at the Appellate Division Courthouse, located at 27 Madison Avenue, New York, New York, on February 5, 2008, at 10 o'clock in the forenoon, for an Order establishing a briefing schedule on the appeal and granting a preference in the hearing and disposition of this appeal pursuant to CPLR § 5521 and 22 NYCRR § 600.12(a)(2) such that the appeal is argued during the May term of this Court and providing such other and further relief as is just and equitable.

Pursuant to the Order of the Court entered on January 18, 2008, responses to this cross-motion, if any, must be served so as to be received by the undersigned on or before January 31, 2008.

Dated: New York, New York  
January 25, 2008

Yours, etc.,

BRYAN CAVE LLP

By:



Philip E. Karmel

J. Kevin Healy

L. Margaret Barry

1290 Avenue of the Americas  
New York, New York 10104  
Telephone: (212) 541-2000

David Paget  
Sive, Paget & Riesel, P.C.  
460 Park Avenue, 10th Floor  
New York, New York 10022-1906

*Attorneys for Respondent-Defendant-  
Respondent New York State Urban  
Development Corporation d/b/a Empire  
State Development Corporation*

TO: Jeffrey S. Baker, Esq.  
Young, Sommer, Ward, Ritzenberg, Baker & Moore, LLC  
5 Palisades Drive  
Albany, New York 12205  
(518) 438-9907

Randall L. Rasey, Esq.  
Barton Barton & Plotkin LLP  
420 Lexington Avenue, 18<sup>th</sup> Floor  
New York, New York 10170  
(212) 687-6262  
*Attorneys for Petitioners-Plaintiffs-Appellants*

Jeffrey L. Braun, Esq.  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, New York 10036  
(212) 715-9100

Richard G. Leland, Esq.  
Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza  
New York, New York 10004-1980  
(212) 859-8978  
*Attorneys for Respondent-Defendant-Respondent  
Forest City Ratner Companies, LLC*

Stephen L. Kass, Esq.  
Ethan Strell, Esq.  
Carter Ledyard & Milburn LLP  
2 Wall Street  
New York, New York 10005  
(212) 732-3200  
*Attorneys for Respondent-Defendant-Respondent  
Metropolitan Transportation Authority*

Andrew M. Cuomo  
Attorney General of the State of New York  
120 Broadway, 25th Floor  
New York, New York 10271  
Attn: Peter Karanjia, Special Counsel to the Solicitor General  
(212) 416-8000  
*Attorney for Respondent-Defendant-Respondent  
New York State Public Authorities Control Board*

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION – FIRST DEPARTMENT

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In the Matter of	:	New York County
	:	Index No. 104597/2007
	:	
DEVELOP DON'T DESTROY BROOKLYN, INC., et al.	:	<b>AFFIRMATION OF</b>
	:	<b>PHILIP E. KARMEL</b>
Petitioners-Plaintiffs-Appellants	:	<b>IN OPPOSITION TO</b>
	:	<b>THE MOTION FOR</b>
For a Judgment Pursuant to Article 78 of the CPLR and	:	<b>A PRELIMINARY</b>
Declaratory Judgment	:	<b>INJUNCTION AND IN</b>
	:	<b>SUPPORT OF THE</b>
– against –	:	<b>CROSS-MOTION FOR</b>
	:	<b>A BRIEFING</b>
URBAN DEVELOPMENT CORPORATION d/b/a	:	<b>SCHEDULE AND</b>
EMPIRE STATE DEVELOPMENT CORPORATION,	:	<b>PREFERENCE</b>
et al.	:	
	:	
Respondents-Defendants-Respondents.	:	

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PHILIP E. KARMEL, an attorney admitted to the practice of law in the State of New York, hereby affirms and declares under the penalty of perjury:

1. I am a member of Bryan Cave LLP, which, together with Sive, Paget & Riesel, P.C., represents respondent-defendant-respondent New York State Urban Development Corporation d/b/a Empire State Development Corporation (“ESDC”) in this proceeding.

2. I am fully familiar with all the proceedings heretofore had herein and the facts hereinafter recited. I respectfully submit this affirmation in opposition to the motion of petitioners-plaintiffs-appellants (“appellants”) to halt the construction of the Atlantic Yards Land Use Improvement and Civic Project (the “Project”) pending their appeal of the comprehensive 71-page opinion and judgment of New York State Supreme Court, New York County (Justice Joan A. Madden) dismissing all of their claims (the

