
STATE OF NEW YORK
SUPREME COURT NEW YORK COUNTY

DEVELOP DON'T DESTROY (BROOKLYN), INC.,
et al.,

Petitioners,

For a Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules,

- against -

EMPIRE STATE DEVELOPMENT CORPORATION,
FOREST CITY RATNER COMPANIES, LLC,

Respondents.

**AFFIRMATION OF
JEFFREY S. BAKER**

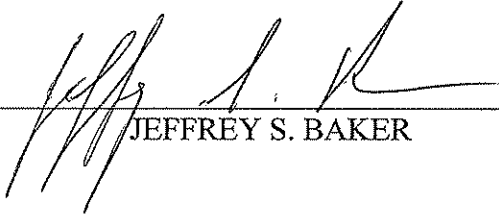
Index No. 114631/09
IAS Part 57

Justice Marcy S. Friedman

JEFFREY S. BAKER, an attorney at law duly admitted to practice before the courts of the State of New York, hereby affirms the following under penalties of perjury:

1. I am a member of the law firm Young, Sommer, Ward, Ritzenberg, Baker & Moore, LLC, counsel for the petitioners in the above-captioned proceeding.
2. I make this affirmation to introduce the attached Exhibit A which is a true and correct copy of a December 2006 report prepared by KPMG on behalf of Empire State Development Corporation. Reference to this report is made in the reply papers of Respondents and should have been included in the certified record.
3. I am providing this Exhibit to assist the Court in its review and to demonstrate that contrary to the representations of ESDC, the 2009 report prepared by KPMG was a different report addressing completely different issues and cannot be considered an update of the 2006 KPMG report.

Dated: November 24, 2009
Albany, New York


JEFFREY S. BAKER