

At Part 35 of the Supreme Court of the State of New York, County of New York, held at 60 Centre Street, New York, New York, on the 7 day of February, 2006.

M.S. 03

003434

CLERK OF COURT OFFICE

APPROVED FOR THE PAYMENT OF MOTION FEE ONLY

PRESENT:

Hon. Carol R. Edmead
Justice

-----X
In the Matter of

DEVELOP DON'T DESTROY BROOKLYN;
DANIEL GOLDSTEIN;
ATLANTIC AVENUE BETTERMENT ASSOCIATION;
FORT GREENE ASSOCIATION;
BOERUM HILL ASSOCIATION;
FIFTH AVENUE COMMITTEE;
EAST PACIFIC BLOCK ASSOCIATION;
PROSPECT HEIGHTS ACTION COALITION
by its President PATTI HAGAN;
PRATT AREA COMMUNITY COUNCIL;
SOCIETY FOR CLINTON HILL;
DEAN STREET BLOCK ASSOCIATION (4th to 5th Ave.)
by its President JUDY SACKOFF;
PROSPECT HEIGHTS NEIGHBORHOOD
DEVELOPMENT COUNCIL; ELISELLE ANDERSON,
DAVID SHEETS, KEN DIAMONDSTONE; and
PACIFIC CARLTON DEVELOPMENT CORP.,

Petitioners - Plaintiffs

For a Judgment Pursuant to Article 78 of the CPLR and
Declaratory Judgment

- against -

EMPIRE STATE DEVELOPMENT CORPORATION and
FOREST CITY RATNER COMPANIES,

Respondents - Defendants
-----X

Index No. 100686/06

ORDER TO SHOW
CAUSE
(This proceeding has been
assigned to Justice Carol
Edmead)

VAL 2
INDEX NUMBER 100686 YEAR 2006
15 MOTIONS 45.00
TOTAL 45.00
CHECK 45.00

CDS CASHIER DATE TIME TERM
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Upon reading and filing the annexed affidavit of Letitia James, sworn to the 7th day of February, 2006, and the exhibits annexed thereto, the affidavit of Major R. Owens, sworn to the 6th day of February, 2006, and the affidavit of Velmanette Montgomery, sworn to the 7th day of February, 2006 (copy of Montgomery Affidavit annexed, original to be filed with the Court on the return date), and all the papers filed and proceedings had herein,

LET the respondents/~~defendants~~ or their attorneys show cause at Part 35 of this Court to be held at the courthouse thereof, located at 60 Centre Street, New York, New York, Room 543, on the 14th day of February, 2006, at 9:30 a.m. or as soon thereafter as counsel can be heard, why an order should not be made granting the movants leave to appear in this case as amici curiae and to serve and file, in support of petitioners' motion for a preliminary injunction (returnable February 14, 2006), the memorandum of law annexed to this Order to Show Cause as Exhibit C, on the grounds that the movants, as elected officials representing the districts directly effected by the demolition which petitioners seek to enjoin, have a special interest in the matter before the Court, would invite the Court's attention to arguments which may otherwise escape its consideration, and would otherwise be of special assistance to the Court; and why the movants should not have such other and further relief as may be just and proper; and it is further

ORDERED, that service of this Order to Show Cause and the papers upon which it was granted on the respondents/~~defendants~~ by delivering same to the offices of their attorneys,

Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, NY, and
Skadden Arps Slate Meagher & Flom LLP, Four Times Square, New York, NY, ^{pursuant to CPLR 2103(b)(1) or (3)} on or before 7th

February, 2006, shall be good and sufficient notice of this order to show cause.

Oral Argument
directed:

[Handwritten signature]

CAROL EDMEAD
J.S.C.

ENTER:

[Handwritten signature]

CAROL EDMEAD
J.S.C.

Opposition papers shall be served & filed by 2/10/06, 5:00 p.m.