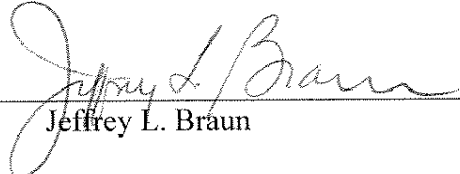




purported cause of action asserted in the combined petition and complaint, which is asserted against FCRC, pursuant to CPLR 7804(f) and CPLR 3211(a)(1) and (7), on the grounds that the purported cause of action asserts matters that are not ripe for judicial review, there are defenses to the cause of action founded upon documentary evidence, and the purported cause of action fails to state a cause of action, and (3) grants FCRC such other and further relief as is just and proper, including its costs on petitioners' motion for a preliminary injunction and this cross-motion.

Dated: February 9, 2006  
New York, NY

KRAMER LEVIN NAFTALIS & FRANKEL LLP  
Attorneys for Respondent-Defendant Forest City  
Ratner Companies

By   
Jeffrey L. Braun

1177 Avenue of the Americas  
New York, NY 10036

To: YOUNG, SOMMER, WARD, RITZENBURG,  
BAKER & MOORE, LLP  
Attorneys for Petitioners-Plaintiffs  
Executive Woods  
Five Palisades Drive  
Albany, NY 12205  
Att'n Jeffrey S. Baker, Esq. or  
Candace C. Carponter, Esq.

SKADDEN ARPS SLATE MEAGHER & FLOM LLP  
Attorneys for Respondent-Defendant New York State  
Urban Development Corporation, d/b/a Empire State  
Economic Development Corporation  
Four Times Square  
New York, NY 10036  
Att'n Douglas M. Kraus, Esq. or  
Angela G. Garcia, Esq.

SOUTH BROOKLYN LEGAL SERVICES  
Attorneys for Proposed Intervenors  
105 Court Street  
Brooklyn, NY 11201  
Att'n John C. Gray, Esq. or  
Jennifer Levy, Esq.

THE HONORABLE LETITIA JAMES  
Attorney for Proposed *Amici Curiae*  
67 Hanson Place  
Brooklyn, NY 11217  
Att'n Lynn Armentrout, Esq.