

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

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DEVELOP DON'T DESTROY BROOKLYN,	:	
et al.,	:	Index No. 100686/06
	:	
Petitioners – Respondents,	:	
	:	
- against -	:	<u>NOTICE OF MOTION</u>
	:	
EMPIRE STATE DEVELOPMENT	:	
CORPORATION,	:	
	:	
Respondent –Appellant,	:	
	:	
-and-	:	
	:	
FOREST CITY RATNER COMPANIES,	:	
	:	
Respondent.	:	
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PLEASE TAKE NOTICE that upon the accompanying Affirmation of Douglas M. Kraus, dated February 17, 2006, and the exhibits annexed thereto, and upon the Notice of Appeal dated February 16, 2006 and filed on February 17, 2006, the undersigned will move this Court, at a term thereof to be held at the Appellate Division Courthouse, located at Madison Avenue and 25th Street, New York, New York, on the \_\_\_ day of February at \_\_\_ a.m. or as soon thereafter as counsel may be heard, for an Order granting (i) a stay pursuant to CPLR § 5519(a)(1) and (ii)

a preference in the hearing and disposition of this appeal and for .pursuant to CPLR 5521 and 22  
NYCRR § 600.12.

Dated: New York, New York  
February 17, 2006

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