

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

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In the Matter of the Application of

PROSPECT HEIGHTS NEIGHBORHOOD DEVELOPMENT COUNCIL, INC., ATLANTIC AVENUE LOCAL DEVELOPMENT CORP., BOERUM HILL ASSOCIATION, INC., BROOKLYN HEIGHTS ASSOCIATION, INC., FIFTH AVENUE COMMITTEE, INC., PARK SLOPE CIVIC COUNCIL, INC, PRATT AREA COMMUNITY COUNCIL, INC., STATE SENATOR VELMANETTE MONTGOMERY, STATE ASSEMBLY MEMBER JAMES F. BRENNAN, NEW YORK CITY COUNCIL MEMBER LETITIA JAMES, ALAN ROSNER, EDA MALENKY, PETER KRASHES., JUDY MANN, RHONA HESTRONY, JAMES GREENFIELD, MICHAEL ROGERS, ANURAG HEDA, ROBERT PUCA, SALVATORE RAFFONE, RHONA HETSTONY, ERIC DOERINGER, JILLIAN MAY and DOUG DERRYBERRY,

Index No. 116323/2009

Assigned to Justice  
Marcy Friedman

**NOTICE OF  
SUPPLEMENTAL  
PETITION**

Petitioners,

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

- against -

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

Respondents.

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TO THE ABOVE NAMED RESPONDENTS:

PLEASE TAKE NOTICE that upon the annexed Verified Supplemental Petition and the exhibits thereto, the affirmation of Albert K. Butzel and the exhibits thereto, the affidavit of Stuart Pertz, Petitioners' Memorandum of Law, the Stipulation of the Parties so ordered by the Court on December 22, 2010 and all the prior papers and proceedings in this matter, an application will be made to this Court at the courthouse thereof, in the Motion Support Part,

Room 130, 60 Centre Street, New York, New York on the 17<sup>th</sup> day of February, 2011, or as soon thereafter as counsel can be heard, for an order and judgment pursuant to Article 78 of the CPLR: (A) Annuling and vacating the September 17, 2009 determination of the respondent Empire State Development Corporation (“ESDC”) approving the Modified General Project Plan (the “MGPP”) for the Atlantic Yards project (the “Project”) and deciding there was no need to prepare a supplemental environmental impact statement for the Project, (B) Annuling and vacating ESDC’s findings of December 16, 2010 in response to the Court’s November 9, 2009 decision and order in this matter; (C) Declaring the MGPP null and void; (D) Enjoining ESDC from further pursuing the Project on the basis of the MGPP; (E) Enjoining the Respondent Forest City Ratner Companies from further construction of the Project; (F) Awarding petitioners their costs and disbursements in this proceeding; and (G) granting such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 7804(c), Petitioners demand that answering papers be served on the undersigned attorneys, and the record of the proceeding be filed with the court, at least five days before the aforesaid hearing.

Petitioners designate New York County as the place of venue, the bases being that New York County is the country in which the respondent ESDC maintains its offices and where the determinations complained of herein were made.

Dated: New York, New York  
January 18, 2011

  
Albert K. Butzel, Senior Attorney  
Urban Environmental Law Center  
249 West 34<sup>th</sup> St, Ste 400  
New York, NY 10001  
Tel: 212-643-0375  
Email: [albutzel@nyc.rr.com](mailto:albutzel@nyc.rr.com)

Reed W. Super, Senior Attorney  
Urban Environmental Law Center  
131 Varick St, Ste 1001  
New York, NY 10013  
(212) 242-2273  
Email: [reed@superlawgroup.com](mailto:reed@superlawgroup.com)

Attorneys for Petitioners

TO: Philip E. Karmel, Esq.  
Bryan Cave, LLP  
1290 Avenue of the Americas  
New York, New York 10104  
(212) 541-2000  
[pekarmel@bryancave.com](mailto:pekarmel@bryancave.com)  
*Attorneys for Respondent Empire State Development Corporation*

Jeffrey L. Braun, Esq.  
Kramer, Levin, Naftalis & Frankel, LLP  
1177 Avenue of the Americas  
New York, New York 10036  
(212) 715-9100  
[jbraun@kramerlevin.com](mailto:jbraun@kramerlevin.com)  
*Attorneys for Respondent for Forest City Ratner Companies*

Richard G. Leland, Esq.  
Fried, Frank, Harris, Shriver & Jacobson  
One New York Plaza  
New York, New York 10004  
(212) 859-8000  
[richard.leland@friedfrank.com](mailto:richard.leland@friedfrank.com)  
*Attorneys for Respondent for Forest City Ratner Companies*