

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

In the Matter of	:	New York County
	:	Index No. 104597/2007
	:	
DEVELOP DON'T DESTROY BROOKLYN, INC., et al.	:	NOTICE OF
	:	CROSS-MOTION
	:	
Petitioners-Plaintiffs-Appellants	:	
	:	
For a Judgment Pursuant to Article 78 of the CPLR and	:	
Declaratory Judgment	:	
	:	
– against –	:	
	:	
URBAN DEVELOPMENT CORPORATION d/b/a	:	
EMPIRE STATE DEVELOPMENT CORPORATION,	:	
et al.	:	
	:	
	:	
Respondents-Defendants-Respondents.	:	

PLEASE TAKE NOTICE that respondent-defendant-respondent New York State Urban Development Corporation d/b/a Empire State Development Corporation, upon the annexed Affirmation of Philip E. Karmel dated January 25, 2008, and the exhibits thereto, and based upon the points and authorities set forth in the accompanying Memorandum of Law, will move this Court, at a term thereof to be held at the Appellate Division Courthouse, located at 27 Madison Avenue, New York, New York, on February 5, 2008, at 10 o'clock in the forenoon, for an Order establishing a briefing schedule on the appeal and granting a preference in the hearing and disposition of this appeal pursuant to CPLR § 5521 and 22 NYCRR § 600.12(a)(2) such that the appeal is argued during the May term of this Court and providing such other and further relief as is just and equitable.

Pursuant to the Order of the Court entered on January 18, 2008, responses to this cross-motion, if any, must be served so as to be received by the undersigned on or before January 31, 2008.

Dated: New York, New York
January 25, 2008

Yours, etc.,

BRYAN CAVE LLP

By: 

Philip E. Karmel

J. Kevin Healy

L. Margaret Barry

1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 541-2000

David Paget
Sive, Paget & Riesel, P.C.
460 Park Avenue, 10th Floor
New York, New York 10022-1906

*Attorneys for Respondent-Defendant-
Respondent New York State Urban
Development Corporation d/b/a Empire
State Development Corporation*

TO: Jeffrey S. Baker, Esq.
Young, Sommer, Ward, Ritzenberg, Baker & Moore, LLC
5 Palisades Drive
Albany, New York 12205
(518) 438-9907

Randall L. Rasey, Esq.
Barton Barton & Plotkin LLP
420 Lexington Avenue, 18th Floor
New York, New York 10170
(212) 687-6262
Attorneys for Petitioners-Plaintiffs-Appellants

Jeffrey L. Braun, Esq.
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9100

Richard G. Leland, Esq.
Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004-1980
(212) 859-8978
*Attorneys for Respondent-Defendant-Respondent
Forest City Ratner Companies, LLC*

Stephen L. Kass, Esq.
Ethan Strell, Esq.
Carter Ledyard & Milburn LLP
2 Wall Street
New York, New York 10005
(212) 732-3200
*Attorneys for Respondent-Defendant-Respondent
Metropolitan Transportation Authority*

Andrew M. Cuomo
Attorney General of the State of New York
120 Broadway, 25th Floor
New York, New York 10271
Attn: Peter Karanjia, Special Counsel to the Solicitor General
(212) 416-8000
*Attorney for Respondent-Defendant-Respondent
New York State Public Authorities Control Board*