

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DANIEL GOLDSTEIN, JERRY CAMPBELL, as the :  
putative administrator of the estate of OLIVER ST. CLAIR :  
STEWART and in his individual capacity, THE GELIN :  
GROUP, LLC, CHADDERTON'S BAR AND GRILL :  
INC., d/b/a FREDDY'S BAR AND BACKROOM, :  
MARIA GONZALEZ, YESENIA GONZALEZ, HUDA :  
MUFLEH-ODEH, JAN AKHTAR, and DAVID SHEETS, :

Plaintiffs, :

v. :

CV 06 5827 (NGG) (RML)

ECF Case

GEORGE E. PATAKI, CHARLES A. GARGANO, NEW :  
YORK STATE URBAN DEVELOPMENT :  
CORPORATION d/b/a EMPIRE STATE :  
DEVELOPMENT CORPORATION, BRUCE C. :  
RATNER, JAMES P. STUCKEY, FOREST CITY :  
ENTERPRISES, INC., FOREST CITY RATNER :  
COMPANY, RATNER GROUP, INC., BR FCRF, LLC, :  
ATLANTIC YARDS DEVELOPMENT COMPANY, :  
LLC, MICHAEL BLOOMBERG, DANIEL DOCTOROFF, :  
ANDREW M. ALPER, JOSHUA SIREFMAN, CITY OF :  
NEW YORK and NEW YORK CITY ECONOMIC :  
DEVELOPMENT CORPORATION, :

Defendants. :

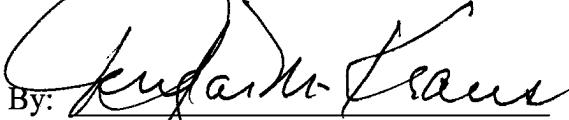
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**ESDC DEFENDANTS' NOTICE OF  
MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Douglas M. Kraus, Esq., dated December 15, 2006, and the Memorandum of Law of ESDC Defendants in Support of their Motion to Dismiss the Complaint submitted herewith, defendants ESDC and Charles A. Gargano will move this Court, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, at a date and time designated by the Court, for an order pursuant to Fed. R. Civ. P. 12(b)(1) and (6) dismissing the Complaint.

Dated: December 15, 2006

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& FLOM LLP

By: 

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