

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,

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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PLEASE TAKE NOTICE, that upon the accompanying affirmation of Albert K. Butzel, Esq.; the accompanying exhibits; and all prior papers, briefs, and proceedings heretofore had herein, the undersigned will move this Court at Courtroom 130, 60 Centre Street, New York, New York, on the 29th day of April, 2010, at 9:30 a.m., or as soon thereafter as counsel may be heard, pursuant to Civil Practice Law and Rule

Index No. 116323/09

Assigned to
Justice Friedman

**NOTICE OF
MOTION FOR LEAVE TO
REARGUE AND RENEW
AND TO MODIFY ORDER**

**ORAL ARGUMENT
REQUESTED**

§2221[d] and [e], for an order:

1. Granting this motion to leave to reargue Petitioners' Petition to this Court based upon matters of fact and/or law that were overlooked and/or misapprehended by the Court; and

2. Granting this motion to renew Petitioner's Petition based upon new facts not offered in the Petition that were later revealed after this Court's March 10, 2010 Decision/Order, which denied the Petition; and

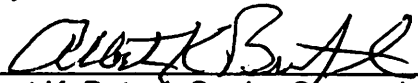
3. Granting such other relief as the Court may deem appropriate.

The grounds upon which reargument/renewal is requested are set forth in detail in the accompanying affirmation of Albert K. Butzel.

Pursuant to CPLR 2214(b), answering papers are to be served on the Petitioners' attorney at least two days prior to the return date.

Dated: April 7, 2010

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