

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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**DECLARATION OF DOUGLAS M. KRAUS IN SUPPORT OF
ESDC DEFENDANTS’ MOTION TO DISMISS THE COMPLAINT**

DOUGLAS M. KRAUS declares under the penalties of perjury as follows:

1. I am a member of the Bar of this Court and of the firm of Skadden, Arps, Slate, Meagher & Flom LLP, attorneys for defendants Charles A. Gargano and the New York State Urban Development Corporation d/b/a Empire State Development Corporation (collectively, the “ESDC Defendants”).

2. I submit this declaration to transmit to the Court true and correct copies of the following documents referred to in the accompanying Memorandum of Law of the ESDC Defendants in Support of their Motion to Dismiss the Complaint:

Exhibit A Memorandum of Understanding between New York State Urban Development Corporation d/b/a Empire State Development Corporation, The City of New York, New York City Economic Development Corporation, and Forest City Ratner Companies, dated February 18, 2005.

Exhibit B Memorandum of Understanding between New York State Urban Development Corporation d/b/a Empire State Development Corporation, The City of New York, New York City Economic Development Corporation, and Forest City Ratner Companies, dated February 18, 2005.

Exhibit C New York State Urban Development Corporation d/b/a Empire State Development Corporation Combined Notice of Proposed Lead Agency Designation, Public Scoping and Intent to Prepare a Draft Environmental Impact Statement, dated September 16, 2005.

Exhibit D New York State Urban Development Corporation d/b/a Empire State Development Corporation Atlantic Yards Land Use Improvement and Civic Project Modified General Project Plan, dated December 8, 2006.

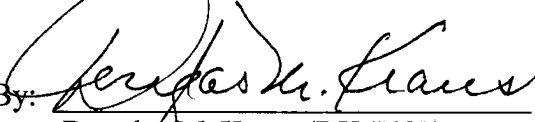
Exhibit E Determination and Findings by the New York State Urban Development Corporation d/b/a Empire State Development Corporation Pursuant to EDPL Section 204 with Respect to the Atlantic Yards Land Use Improvement and Civic Project, dated December 8, 2006.

Exhibit F Patrick Arden, Plotting Offense in Atlantic Yards Fight, N.Y. Metro, Oct. 30, 2006.

Exhibit G Nicholas Confessore, Last-Ditch Maneuvering on Atlantic Yards Project, N.Y. Times, Dec. 7, 2006, at B-3.

Dated: December 15, 2006

SKADDEN, ARPS, SLATE, MEAGHER
& FLOMLLP

By: 
Douglas M. Kraus (DK 7497)

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