

At an IAS Part 2 of the Supreme Court of the State of New York held in and for the County of New York, at the Courthouse located at 80 Centre Street, New York, New York, on the 14th day of October, 1999

PRESENT: Hon. LOUIS B. YORK  
Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the Matter of the Application of NEW YORK CITY COALITION TO END LEAD POISONING, INC; NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.; NEW YORK STATE TENANTS AND NEIGHBORS COALITION, INC.; MET COUNCIL, INC.; SINERGIA, INC.; ALIANZA DOMINICANA, INC.; CITY PROJECT, INC.; EAST NEW YORK UNITED FRONT, by its Chairperson, CHARLES BARRON; EL PUENTE OF WILLIAMSBURG, INC.; GREATER NEW YORK LABOR-RELIGION COALITION, INC.; MAKE THE ROAD BY WALKING, INC.; NEW YORK CITY ENVIRONMENTAL JUSTICE ALLIANCE, INC; SOUTH BRONX COALITION FOR CLEAN AIR, INC; QUEENS LEAGUE OF UNITED TENANTS, INC.; INOCENCIA NOLASCO, GRECIA MARIA VASQUEZ, and her minor child KATHERINE FIGUERO, by her next friend and mother GRECIA MARIA VASQUEZ; CATHERINE RODRIGUEZ, and her minor children DESTINY ALONSO, BIANCA RODRIGUEZ, and JOANNE MARRERO, by their next friend and mother CATHERINE RODRIGUEZ; ANA GOMEZ, and her minor children, CHRISTIAN GOMEZ and STEPHANIE GOMEZ, by their next friend and mother ANA GOMEZ; MARIA CELIA NOLASCO, and her minor grandchildren, JUSTIN AGRAMONTE and JUAN NOLASCO, JR, by their next friend and guardian MARIA CELIA NOLASCO; DAVID M. MONAHAN and JULIA MONAHAN, and their minor child, IRIS EVE MONAHAN, by her next friends and parents, DAVID M. MONAHAN and JULIA MONAHAN;

Petitioners-Plaintiffs,

for a Judgment pursuant to Article 78 and § 3001 of the Civil Practice Law and Rules,

-against-

PETER VALLONE, as Speaker of the New York City Council; THE NEW YORK CITY COUNCIL; RUDOLPH GIULIANI, as Mayor of the City of New York; and the CITY OF NEW YORK,

Respondents-Defendants.

Index No.  
120911/99

ORDER TO SHOW  
CAUSE

Upon the Verified Petition, verified October 12, 1999, the Affirmation of PHILIP LANDRIGAN, M.D., affirmed on August 9, 1999, the Affidavit of BRUCE P. LANPHEAR, M.D., sworn to October 6, 1999, the Affidavit of IRVING MAUSS, M.D., sworn to September 23, 1999, the Affidavit of HERBERT NEEDLEMAN, M.D., sworn to September 23, 1999, the Affidavit of JOHN F. ROSEN, M.D., sworn to October 7, 1999, the Affidavit of ROBERT FRIEDL, sworn to October 7, 1999, the Affidavit of CHARLES GILBERT, Ph.D., sworn to October 8, 1999, the Affidavit of EVELYN MAUSS, Sc.D., sworn to September 21, 1999, the Affidavit of DAVID NEWMAN, M.S., sworn to September 22, 1999, the Affidavit of EDWARD OLMSTED, C.I.H., sworn to September 25, 1999, the Affirmation of ANDREW GOLDBERG, affirmed on October 8, 1999, the Affidavit of CATHLEEN BREEN, sworn to October 6, 1999, the Affirmation of SUZANNE MATTEI, affirmed on October 10, 1999, the Affidavit of BRENDA MORROW sworn to September 23, 1999, the Affirmation of MATTHEW J. CHACHÈRE, affirmed on October 13, 1999, and the exhibits thereto,

**LET RESPONDENTS SHOW CAUSE** before me at IAS Part 2, at the Courthouse, at 80 Centre Street, Rm. 289, New York, New York, on Nov. 5 1999, at 9:30 a.m., or as soon thereafter as counsel can be heard, why an order should not be rendered,

a) declaring the Negative Declaration for the proposed local law now known as Local Law 38 of 1999 null and void;

b) declaring Local Law 38 of 1999 null and void;

c) directing the respondents undertaking action to enact the proposed local law now know as Local Law 38;

d) enjoining the respondents from taking action, including disbursing or expending City funds, to implement Local Law 38 until the requirements of the State Environmental Quality Review Action and City Environmental Quality Review are met;

e) directing the respondents-defendants that an Environmental Impact Statement for the proposed action must, at a minimum, consider the issues raised in the Verified Petition and Complaint, and

f) providing such other and further relief as the Court may deem just and proper, and

g) pending the hearing and determination of the Petition and Complaint, preliminarily enjoining Local Law 38 of 1999 from taking effect, and it is further.

**ORDERED** that respondents-defendants' answering papers, if any, shall be served by Oct 29, 1999, and petitioners-plaintiffs' reply papers, if any, shall be served by Nov 3, 1999, and it is further

**ORDERED** that personal service of a copy of this order and the papers upon which it was granted upon respondents on or before October 15, 1999, shall be good and sufficient service.

ENTER:

L.B.Y.

JUSTICE OF THE SUPREME COURT  
NEW YORK COUNTY  
LOUIS B. YORK

Oral Argument  
Directed  
L.B.Y.  
J.S.C.