

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

In the Matter of the Application of NEW YORK CITY
COALITION TO END LEAD POISONING, *et al.*

Petitioners-Plaintiffs-Respondents,

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; *et al.*

Respondents-Defendants-Appellants.

New York County Clerk's Index
No. 120911/99

**AFFIRMATION OF THEODORA GALACATOS
APPELLANTS' MOTION FOR A STAY OF THE JUDGMENT BELOW
AND IN SUPPORT OF
PETITIONERS' CROSS-MOTION
TO VACATE AUTOMATIC STAY IF NECESSARY**

THEODORA GALACATOS, an attorney admitted to practice in New York State, hereby affirms the following as true under penalty of perjury:

1. I am of counsel to Kenneth Rosenfeld, Esq., Northern Manhattan Improvement Corporation Legal Services, attorneys for petitioners-plaintiffs-respondents ("petitioners") in this action. I make this affirmation in opposition to respondents-defendants-appellants' ("appellants") motion for a stay of the Judgment entered below on February 22, 2001, and in support of petitioners' cross-motion, if necessary, to vacate any automatic stay. This affirmation is based upon my own personal knowledge and identifies the following true copies of documents submitted as in opposition to appellants' motion and in support of petitioners' cross motion:

Exhibit Description

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| Ex. 121. | Order and Judgment Entered February 22, 2001 |
| Ex. 122. | Decision October 11, 2001 |
| Ex. 123. | Notice of Appeal March 1, 2001 |

- Ex. 124. Correspondence between Parties Regarding Stay:
- a) February 23, 2001, Letter from Matthew J. Chachère (Plaintiffs counsel) to Mark W. Muschenheim (Defendant's counsel)
 - b) March 5, 2001, Letter from Mark W. Muschenheim to Matthew J. Chachère
 - c) March 6, 2001, Letter from Matthew J. Chachère to Mark W. Muschenheim
 - d) March 9, 2001, Letter from Mark W. Muschenheim to Matthew J. Chachère
- Ex. 125. Proposed HPD regulations (28 R.C.N.Y. Chapter 11) for implementing Local Law 1, published in the City Record, October 9, 1998, at 3505-3506
- Ex. 126. Letters from Jeanne M. Fox, the Regional Administrator for the United States Environmental Protection Agency Region 2, to Peter Vallone, President of the New York City Council and Rudolph Giuliani, Mayor (September 18, 2000)
- Ex. 127. Medical Society of New York v. Levin, slip op. (1st Dep't, July 17, 2000)
- Ex. 128. Cosentino v. Dowling, slip op. (1st Dep't, February 29, 2000)
- Ex. 129. Article- "ABO watches paint appeal," Real Estate Weekly, November 8, 2000, page 1
- Ex. 130. Transcript of argument in New York Coalition to End Lead Poisoning v. Vallone, Nov. 15, 1999

2. Based on the accompanying memorandum of law, and the supporting exhibits,

petitioners request the Court to deny appellants' motion.

Dated: New York, New York
March 29, 2001

/s/ *Theodora Galacatos*
Theodora Galacatos