

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, INC.; NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.; NEW YORK STATE TENANTS & 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 best 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; and DAVID M. MONAHAN and JULIE MONAHAN, and their minor child IRIS EVE MONAHAN, by her next friends and parents, DAVID M. MONAHAN and JULIE MONAHAN,

Petitioners-Plaintiffs-Respondents

for a Judgment pursuant to Article 78 and § 3001 of the CPLR,

-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-Appellants.

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

NOTICE OF CROSS-MOTION

PLEASE TAKE NOTICE that,

Upon the Affirmation of Theodora Galacatos, affirmed March 29, 2001, the Affidavit of Mary Gearhart, sworn to March 26, 2001, the Affidavit of Evelyn A. Mauss, Sc.D., sworn to March

20, 2001, the Affidavit of Martin Rutstein, sworn to March 27, 2001, the attached Exhibits,^{*} the Memorandum of Law in Opposition to Appellants' Motion for a Stay of the Judgment Below and in Support of Petitioners' Cross-Motion to Vacate Automatic Stay If Necessary, dated March 29, 2001, submitted herewith; and

Upon all papers filed in this action below by petitioners and submitted herewith, consisting of the Verified Petition and Complaint, 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 A. 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, in support of the Petition, the Reply Affirmation of John F. Rosen, M.D., affirmed November 10, 1999, the Reply Affirmation of Matthew J. Chachère, affirmed November 10, 1999, and the exhibits thereto, in further support of the petition;

* To avoid confusion with the 115 numbered exhibits submitted in the proceedings below, petitioners' commence the enumeration of additional exhibits submitted herewith concerning the instant motion and cross-motion at number 116.

Petitioners-plaintiffs-respondents will cross-move this court, at the Courthouse, at 27 Madison Avenue, New York, New York, on April 17, 2001, at 10:00 a.m., for an Order, pursuant to C.P.L.R. § 5519(c), vacating the automatic stay of the Supreme Court's Judgment Entered February 22, 2001, in this action, if such an automatic stay exists, and such other and further relief as to the Court seems just and proper.

Dated: New York, New York
March 29, 2001

Kenneth Rosenfeld, Esq.
Northern Manhattan Improvement Corp. Legal Services

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