

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

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In the Matter of the Application of

ELIZABETH STREET GARDEN, INC., RENEE GREEN,
ELIZABETH STREET, INC., ELIZABETH FIREHOUSE
LLC and ALLAN REIVER,

Petitioners,

For a Judgment Pursuant to Article 78 of the Civil Practice
Law and Rules

-against-

THE CITY OF NEW YORK, THE DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT, and
MARIA TORRES-SPRINGER, in her capacity as
Commissioner of the Department of Housing Preservation and
Development,

Respondents.
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Index No. _____

Motion Seq. No. 001

AFFIRMATION OF KATE FLETCHER IN SUPPORT OF VERIFIED PETITION

I, KATE FLETCHER, an attorney duly admitted to practice before this Court, hereby affirm the following to be true under penalty of perjury, pursuant to N.Y. C.P.L.R. 2106:

1. I am an attorney at the firm of Siegel Teitelbaum & Evans, LLP, counsel for Petitioners Elizabeth Street Garden, Inc. and Renee Green. I have personal knowledge of the facts herein and submit this affirmation in support of Petitioners' Motion to Stay and for Leave to Amend.

2. Attached hereto as **Exhibit A** are true and correct copies of each weekly issue of the Environmental Notice Bulletin ("ENB") for Region 2 for the period from November 9, 2018

through March 5, 2019, inclusive, as downloaded from the ENB website, at <https://www.dec.ny.gov/enb/enb.html>, on February 27, 2019.

3. Attached hereto as **Exhibit B** is a true and correct copy of the unreported decision *Dillon v. Town of Montour*, 18 Misc. 3d 1109(A) (Sup. Ct. Schuyler Cnty. 2007), as retrieved from Westlaw on March 4, 2019.

4. Attached hereto as **Exhibit C** is a true and correct copy of the unfiled judgment *Tuck-It-Away Associates, LP v. City of New York*, No. 104415/2008 (Sup. Ct. N.Y. Cnty., Sept. 24, 2008) as downloaded from http://decisions.courts.state.ny.us/fcas/fcas_docs/2008sep/3001044152008001sciv.pdf on March 4, 2019

5. I swear under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: March 5, 2019
New York, New York


KATE FLETCHER