

At an IAS Part ____ of the Supreme Court
of the State of New York, at the
Courthouse thereof, located
at 60 Centre Street, New York, New York,
10007, on the ___ of April, 2005

PRESENT: Honorable _____
Justice of the Supreme Court

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In re the application of:

NEW YORK PUBLIC INTEREST RESEARCH
GROUP/STRAPHANGERS CAMPAIGN, Inc.,
GENE RUSSIANOFF, COMMON CAUSE, INC.,
RACHEL LEON, TRI-STATE TRANSPORTATION
CAMPAIGN, INC., JON ORCUTT, LOCAL 100
OF THE TRANSIT WORKERS UNION a/k/a
TWU LOCAL 100, ROGER TOUSSAINT, et al.,
on their own behalf and on behalf of all straphangers
and taxpayers in the City and State of New York
similarly aggrieved,

Index:

Petitioners,

**ORDER TO
SHOW CAUSE**

For an order pursuant to Article 78 of the C.P.L.R.,

- against -

NEW YORK METROPOLITAN TRANSPORTATION
AUTHORITY, PETER S. KALIKOW in his capacity of
Chair/Commissioner of the Metropolitan Transportation
Authority,

Respondents.

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Upon the reading and filing of the annexed Verified Petition dated April 15, 2005,
Memorandum of Law dated April 15, 2005, Joint Affirmation of Counsel for Petitioners
dated April 15, 2005, Affidavit of Gene Russianoff dated April 15, 2005, Affidavit of
Roger Toussaint dated April 18, 2005, and all Exhibits filed simultaneously herewith and

those which have already been filed with the Court in MSG v. Metropolitan Transportation Authority, Index: 104644/05, which are referenced in support of this Petition, Petitioners will move this Court, on or before April ____, 2005, at the Courthouse, 60 Centre Street, Motion Support Courtroom 130, 9:30 a.m. or as soon thereafter as counsel can be heard, why and order should not be issued:

- (a) Granting Petitioners intervenor status in the related actions currently pending before the Honorable Justice Cahn, captioned as follows: (1) Madison Square Garden, L.P. v. New York Metropolitan Transportation Authority and Jets Development, LLC, Index: 104644/05;
- (b) Declaring that the Respondent acted arbitrarily and capriciously by and through the Request for Proposals process initiated on February 22, 2005 to select a bidder for the West Side Rail Yard;
- (c) Declaring that all of the bids submitted pursuant to the Request for Proposal initiated on February 22, 2005 should have been rejected by the MTA as they substantially undervalued the West Side Rail Yard Site and were therefore defective as a matter of law;
- (d) Annulling the vote of the MTA Board of March 31, 2005 as they substantially undervalued the Rail Yard;
- (e) Permanently enjoining Respondent from proceeding to contract with any bidder or any bid which resulted from the Request for Proposals dated February 22, 2005 or the MTA Board vote of March 31, 2005;
- (f) Ordering the Respondent to reissue a Request for Proposal for the West Side Rail Yard which conforms with the statutory and common law of the State of New York;
- (g) Retaining jurisdiction over the Respondent in future Requests for Proposals pertaining to the West Side Rail Yard to ensure the process conforms with the Public Authorities Law and common law;
- (h) Declaring that the Respondent violated the State Finance Law §123;
- (i) Awarding Petitioners the costs and disbursements of this proceeding; and
- (j) Granting such other and further relief as the Court deems just and proper.

ORDERED that Petitioners shall serve by hand a copy of this Order and the papers upon which it was granted upon the Respondents on or before the ___ day of April 2005, and it is further;

ORDERED that Respondents shall serve any answering papers on counsel for the Petitioners as listed on the Verified Petition on or before the ___ day of April 2005, and it is further;

ORDERED that Petitioners shall serve any reply papers by hand on counsel for Respondents on or before the ___ day of _____ 2005, and it is further;

ORDERED that oral argument is directed on the Petition and the relief sought herein on the _____ day of _____ 2005 at _____ or as soon thereafter as counsel may be heard.

ENTERED AND SO ORDERED

Justice of the Supreme Court