

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

-----X

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,

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

**AFFIRMATION OF
COUNSEL**

- against -

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

Respondents.

-----X

Petitioners, by and through their undersigned attorneys, do hereby affirm subject
to penalties of perjury:

1. The undersigned attorneys are counsel for Petitioners and submit this
Affirmation in support of the Order to Show Cause and the relief sought therein and in
the Verified Petition.

2. We hereby incorporate fully herein the following documents submitted in
support of the Order to Show Cause and Verified Petition:

- a. Notice of Petition and Verified Petition dated April 15, 2005.
- b. Memorandum of Law dated April 15, 2005.

c. Affidavit of Gene Russianoff dated April 15, 2005.
d. Affidavit of Roger Toussaint dated April 18, 2005.
e. Exhibits annexed hereto.
f. Exhibits on file with this Court submitted in MSG v. Metropolitan Transportation Authority, Index: 104644/05 by Petitioner which are referenced in our Verified Petition and memorandum of law.

3. As opposed to resubmitting substantial Exhibits identical to those already filed in a related file, we refer to those documents and cite the Court to the location in the Exhibit List filed by MSG in the proceeding cited above.

4. For the reasons contained in our memorandum of law, Petitioners should be permitted to intervene in the actions currently before this Court captioned as follows: Hell's Kitchen Neighborhood Association v. New York City Department of City Planning, Index: 117957/04.


5. We also respectfully request to be on the briefing schedule already ordered by the Court. Our understanding of that schedule is: Respondent Jets, City, State and MTA to submit opposition papers on or before April 22, 2005. Final reply papers if any due on or before April 27, 2005. Oral argument is to take place on May 2, 2005.

6. We have forwarded courtesy copies via email and hand on April 15, 2005 to MTA Respondents herein to facilitate the schedule already ordered by the Court.

Dated: New York, New York
April 15, 2005



Thomas D. Shanahan
Shanahan & Associates, P.C.
545 Fifth Avenue, Suite 1205
New York, New York 10017
(212) 867-1100
Fax (212) 972-1787



Nancy Christensen
Tri-State Transportation Campaign
350 West 31st Street, #802
New York, New York 10001
(212) 268-7474
Fax (212) 268-7333