

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

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In re the application of:
NEW YORK PUBLIC INTEREST RESEARCH
GROUP/STAPHANGERS 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,

Petitioners,

**AFFIDAVIT OF
ORCUTT**

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 Transportaion
Authority,

Index: 105292/05

Respondents.

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State of New York }
 } ss:
County Of New York }

Jon Orcutt, being duly sworn, deposes and says:

1. I am the Executive Director of Tri-State Transportation Campaign ("Tri-State") and submit this Affidavit in support of the Petition filed in this matter. I have sued both in my capacity as Executive Director of Tri-State and as an individual taxpayer and straphanger.
2. Tri-State is an organization which advocates for quality, fully accessible public mass transportation services at reasonable fares for the residents of New York City. Tri-State is a

coalition of groups which advocates for quality, fully accessible public mass transportation services at reasonable fares for the residents of the tri-state region.

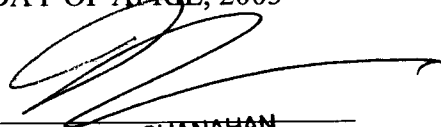
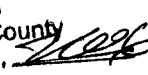
3. Tri-State filed this Petition on behalf of its member organizations and their members, most of whom reside in the region in which the MTA provides transportation. Those organizations and their members have been damaged by the increasing fares and reduction in service as a result of the budget deficit faced by the MTA. This deficit and the fare increases and reduction in service could have been mitigated by the sale of the Rail Yards for its appraised value. However, the MTA accepted a bid far below that value to the detriment of all straphangers including me. All of the bids considered by the MTA should have been rejected as they were far below the appraised value.

4. I am also a taxpayer in the City and State of New York. My taxes have been increased by the State of New York to provide funding to the MTA. Also, should I need to go to the Department of Motor Vehicles, the fees would be increased to subsidize the MTA and mortgage recording fees were increased by the State Legislature to help close the MTA deficit. As such, I believe the State Finance Law was violated by and through the MTA RFP for the Rail Yard which was permeated by favoritism, improvidence and procedurally defective.

Dated: New York, New York
April 30, 2005


Jonathan Orcutt

SWORN TO BEFORE ME THIS
30th DAY OF APRIL, 2005


THOMAS D. SHANAHAN
Notary Public, State of New York
No. 02SH5083105
Qualified in Richmond County
Commission Expires August 4, 

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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,

Petitioners,

- against -

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

Respondents.

SHANAHAN & ASSOCIATES, P.C.

AFFIRMATION OF JONATHAN ORCUTT

Attorney(s) for

Petitioners

Office and Post Office Address, Telephone

545 Fifth Avenue, Suite 1205

NEW YORK, NEW YORK 10014

PHONE (212) 867-1100

FAX (212) 972-1787

To

Signature (Rule 130-1.1-a)

Print name beneath

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: _____

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at
on _____ at _____ M.

of which the within is a true copy
one of the judges of the

Dated,

Yours, etc.

SHANAHAN & ASSOCIATES, P.C.