

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

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Emergency Coalition Organization to Save Washington Square Park; Village Independent Democrats; Cooper Square Mutual Housing Association; Washington Place Block Association; Ronald Podolsky; James Henry Brennan, President of Serwall Playground; Kean Berger, Democratic Part District Leader; Karen Kramer; Jessica McNabb; West Village Committee, Inc.; Elizabeth Nichols; Robert Nichols; Margie Reubin individually and as founder of Mobility Impaired Artists at Westbeth, and Luther Harris.

**STIPULATION OF  
DISCONTINUANCE**

Index No.: 05/110200

Petitioners,

For an Order and Judgment Pursuant to Article 78, CPLR,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY  
DEPARTMENT OF PARKS AND RECREATION, THE  
NEW YORK CITY LANDMARKS PRESERVATION  
COMMISSION and THE NEW YORK CITY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Respondents.

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WHEREAS, petitioners commenced this proceeding on or about July 22, 2005 against the City of New York, the New York City Department of Parks and Recreation, the New York City Landmarks Preservation Commission, and the New York City Department of Environmental Protection (collectively, the "City") challenging the City's proposed plan to rehabilitate Washington Square Park (the "Park"); and

WHEREAS, the City has not made a final environmental determination pursuant to the City's Environmental Quality Review Procedure regarding the City's plan to rehabilitate the Park; and

WHEREAS the parties have agreed upon such representation to stipulate a discontinuance of this proceeding as set forth below;

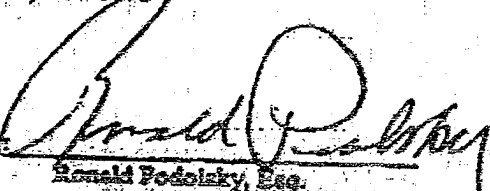
NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel on behalf of the respective parties:

1. The City will inform Petitioners' counsel within ten business days of its final environmental determination for the proposed rehabilitation of the Park prepared pursuant to the City of New York's Environmental Quality Review Procedure. Such notice to Petitioners' counsel shall include a copy of the final environmental determination. Petitioners' attorney may make periodic inquiries, no more than once weekly, of the Respondents' attorney to inquire if such final determination has been made; and
2. This proceeding is discontinued without prejudice and need not be referenced as a prior application for any relief that may be sought should any future Article 78 proceeding that challenges the City's environmental review for the proposed rehabilitation of the Park be commenced; and
3. This proceeding is discontinued without costs, attorneys' fees, expenses, or fees by or to any party; and

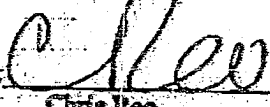
4. A copy of this stipulation containing facsimile signatures may be filed with the Court in lieu of the original.

Dated: New York, New York  
August 3, 2005

RONALD PODOLSKY  
Attorney for Petitioners  
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(212) 450-5215

By:   
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Ronald Podolsky, Esq.

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Respondents  
100 Church Street  
New York, NY 10007  
(212) 768-0598

By:   
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Chris Ileo  
Senior Counsel  
Environmental Law Division

SO ORDERED:

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J.S.C.