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January 17, 2020

VIA NYSCEF & FEDERAL EXPRESS

Honorable Roy S. Mahon
Nassau County Supreme Court
100 Supreme Court Drive
Mineola, NY 11501
Attn: Part 3

Re: **Request for Oral Argument**
***Incorporated Village of Floral Park, New York v. New York State Urban
Development d/b/a Empire State Development Corporation, et al.***
Index No.: 612399/2019

Dear Justice Mahon,

We represent Petitioner-Plaintiff the Incorporated Village of Floral Park (“Village”) in the above-referenced Article 78 proceeding and declaratory judgment action. We write to request oral argument in connection with the following motions pending before Your Honor:

- 1) The Village’s Petition and Complaint (Mot. Seq. 001);
- 2) Respondents-Defendants New York State Franchise Oversight Board’s (“FOB”) and New York State Urban Development Corporation d/b/a Empire State Development Corporation’s (“ESD”) Motions to Dismiss the Article 78 Petition and Complaint (Mot. Seq. Nos. 002 and 003, respectively); and
- 3) The Village’s Preliminary Injunction Motion (Mot. Seq. 004).

These motions were fully submitted on January 7, 2020 and are pending disposition by this Court.


While the Village’s motion papers included a formal request for oral argument, the Village respectfully reiterates the request in this letter. The Village requests oral argument

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because the Village's Petition and Complaint presents complicated issues concerning the deficiencies in ESD's environmental review of the Belmont Park Redevelopment Project—including but not limited to technical arguments concerning critical omissions and errors in the Project's traffic analysis. The Petition and Complaint also presents novel questions concerning the propriety of ESD and FOB's bidding process for the Project, which the Village alleges was predetermined in violation of ESD and FOB's statutory obligation to engage in a competitive process. Oral argument will provide the parties with the opportunity to elaborate and clarify on the arguments made in the substantial briefing provided to the Court, and answer questions the Court may have concerning the environmental review or lack thereof. While the parties previously appeared before Your Honor on the Village's application for a temporary restraining order, the appearance was limited to a discussion of the Project's immediate impacts that were the subject of that motion, and did not address the substantive issues underlying the matter.

Given the critical issues at stake and the devastating impact the Belmont Park Redevelopment Project will have on the Floral Park community, and for the reasons stated above, the Village respectfully requests the Court schedule oral argument on the pending motions. If it is the Court's preference, the Village can coordinate the parties to contact Chambers to discuss this request in more detail at the Court's convenience. Thank you for your attention to this matter.

Sincerely,



Michael Murphy

Cc: All Counsel of Record (by NYSCEF)