

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

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BATTERY PARK CITY NEIGHBORHOOD
ASSOCIATION and J. KELLY MCGOWAN,

Petitioners,

Index No.

-against-

BATTERY PARK CITY AUTHORITY,

Respondent.

For a Preliminary Injunction, Judgment, and
Order Pursuant to Article 78 and CPLR 6301

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IT IS HEREBY STIPULATED AND AGREED, by and among the parties to the above-captioned proceeding, by and through undersigned counsel, that:

1. Petitioners' Motion for a Preliminary Injunction, to be filed on December 14, 2022 (the "Motion") will have a return date of February 3, 2023.
2. Respondent and its affiliates, agents, employees and/or others under their control will not, at any time on or before the date on which oral argument is heard by the Court on the Motion, engage in, and/or cause others to engage in any physical construction within Wagner Park, with the exception of the erection of security fence.
3. Respondent will e-file its opposition to the Motion at or before 11:59 PM on January 13, 2023.
4. Petitioners' will e-file their reply to Respondent's opposition at or before 11:59 PM on January 27, 2023.
5. Respondent's time to respond to the Article 78 Petition is stayed until the Court issues a decision on the Motion, at which time the Parties will confer and propose a schedule for

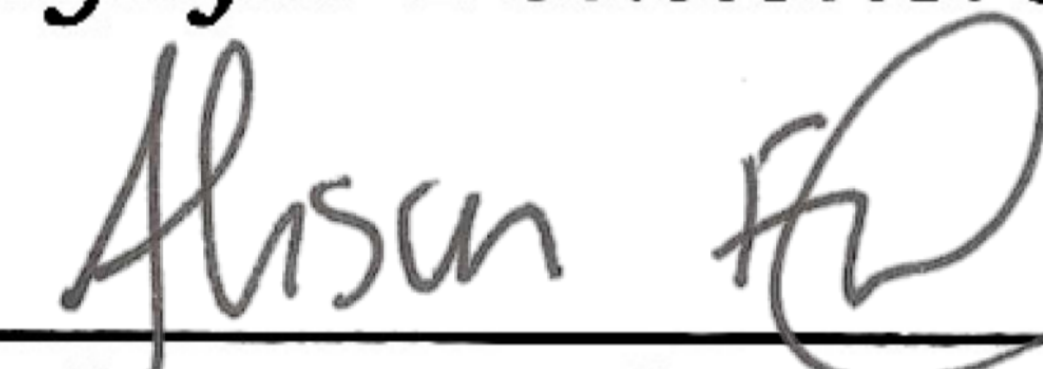
further submissions.

6. This Stipulation, and all of the agreements made herein, shall be without prejudice to any of the parties hereto.

7. This Stipulation may be executed in counterparts, and facsimile and electronic signatures hereto shall be treated as originals for all purposes.


Dated: New York, New York
December 13, 2022

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SO ORDERED: _____