

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

-----X  
NEW YORK COUNTY LAWYERS'  
ASSOCIATION,

Plaintiff-Respondent,

- against -

THE STATE OF NEW YORK and THE CITY  
OF NEW YORK,

Defendants-Appellants.  
-----X

New York County  
Index No. 102987/00

NOTICE OF PLAINTIFF-  
RESPONDENT'S MOTIONS  
TO VACATE AUTOMATIC  
STAY AND TO DISMISS  
PRIOR APPEALS AS MOOT

PLEASE TAKE NOTICE that, upon the annexed affirmation of Frank S. Moseley dated March 18, 2003, the exhibits thereto, and the accompanying Memorandum of Law, Plaintiff-Respondent New York County Lawyers' Association, will move this Court, at the Courthouse located at 27 Madison Avenue, New York, New York, on April 7, 2003, at 10 o'clock in the forenoon, or as soon thereafter as Plaintiff-Respondent may be heard, for orders:

1. pursuant to CPLR 5519(c) vacating the CPLR 5519(a)(1) automatic stay of proceedings to enforce the judgment against Defendants-Appellants State of New York and City of New York issued by the Supreme Court, New York County, Lucindo Suarez, J., which was duly entered in that Court on February 26, 2003 ("February 26 Judgment");
2. directing Defendants-Appellants to perfect their appeals of the February 26 Judgment by July 7, 2003, so that they may be heard by this Court on the September 2003 calendar;

3. dismissing Defendants-Appellants' prior appeals of the interim decision and order issued by the Supreme Court on May 3, 2002 ("May 3 Order") as moot; and

4. granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to an agreement among the parties, opposition papers, if any, are due on March 28, 2003, and reply papers, if any, are due on April 4, 2003.

Dated: New York, New York  
March 19, 2003

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SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

-----x  
NEW YORK COUNTY LAWYERS' : N.Y. County Index  
ASSOCIATION, : No. 102987/00  
 :  
Plaintiff-Respondent, :  
 :  
- against - : AFFIRMATION OF FRANK S.  
 : MOSELEY IN SUPPORT OF  
THE STATE OF NEW YORK and THE CITY : PLAINTIFF'S MOTIONS TO  
OF NEW YORK, : VACATE AUTOMATIC STAY  
 : AND TO DISMISS PRIOR  
 : APPEALS AS MOOT  
Defendants-Appellants. :  
-----x

FRANK S. MOSELEY affirms pursuant to CPLR 2106 that the following is true:

1. I am an attorney admitted to practice in the State of New York. I am a partner with Davis Polk & Wardwell, attorneys for Plaintiff-Respondent New York County Lawyers' Association ("NYCLA"). I respectfully submit this affirmation in support of NYCLA's motions to vacate the CPLR 5519(a)(1) automatic stay of enforcement of the final judgment entered by the Supreme Court, New York County, Lucindo Suarez, J., on February 26, 2003 ("February 26 Judgment"), and to dismiss as moot Defendants-Appellants' appeals of the Supreme Court's interim decision and order dated May 3, 2002.
2. In support of this motion, NYCLA respectfully refers the Court to the following materials attached to this affirmation:
3. Attached as Exhibit A is a true and correct copy of the February 26 Judgment duly entered by the Office of the Clerk of the Supreme Court, New York County on February 26, 2003.

4. Attached as Exhibit B in a separately-bound, five volume set is a proof of the partial Record on Appeal for the appeals of the February 26 Judgment. The partial Record on Appeal contains the decisions issued by the Supreme Court, the notices of appeal, the pleadings and the trial transcript, but does not contain the 435 exhibits admitted in evidence at the trial which are in the process of being compiled. Should the Court wish to review any of the trial exhibits, counsel for NYCLA will submit the additional materials promptly.

Dated: New York, New York  
March 18, 2003

  
FRANK S. MOSELEY