

FROM: EAST HARLEM ALLIANCE OF RESPONSIBLE MERCHANTS "EHARM"

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For Immediate Release –

"EAST HARLEM ALLIANCE OF RESPONSIBLE MERCHANTS LAWSUIT DISMISSED BY COURT"

http://www.nycourts.gov/reporter/3dseries/2010/2010_07227.htm

The NYS Supreme Court, Appellate Division, First Department, unanimously affirmed the dismissal of all claims made by EHARM in their fight against the East Harlem M/E/C LLC. East 125th Street project; despite the misuse of municipal might, power, and procedure to take private, productive commercial property and hand it over to a secretly selected development group, beset by trouble.

Justice Catterson issued a separate statement warning that: *"In my view, the record amply demonstrates that the neighborhood in question is not blighted, that whatever blight exists is due to the actions of the City and/or is located far outside the project area, and that the justification of under-utilization is nothing but a canard to aid in the transfer of private property to a developer. Unfortunately for the rights of the citizens affected by the proposed condemnation, the recent rulings of the Court of Appeals in [Matter of Goldstein v. New York State Urban Dev. Corp.](#), 13 NY3d 511, 893 N.Y.S.2d 472, 921 N.E.2d 164 (2009) and [Matter of Kaur v. New York State Urban Dev. Corp.](#), 15 NY3d 235, — N.E.2d — (2010), have made plain that **there is no longer any judicial oversight of eminent domain proceedings**. Thus, I am compelled to concur with the majority."*

We are responsible owners," said Fancy Dry Cleaner's Damon Bae, one of the property owners who filed the Petition and a spokesman for the group. "We maintained our land and grew our businesses over the past decades, but we are also being victimized by the City. The City neglects its own property, and then cries 'blight' so it can take our property and give it to some politically connected developer."

"What all this points to is that a rich guy can pay his way to hire the government to seize private land so that he can make more money", said Bae. "Say for example that you had a single-family house in a large parcel of land that was passed down from generation to generation in what all of a sudden became the next up and coming neighborhood. A large developer with deep pockets can now come in, make significant payments to a few very well connected individuals, hire the government to call your house "underutilized" (since after all, you are only one family occupying a large parcel of land only for yourself, while a large condo building can be built that can house 100 families) and have your house condemned. And there is absolutely nothing you can do about it.

Scary, but this is what is going on today in America, the land of opportunity.*

(New York, NY – October 14, 2010) –