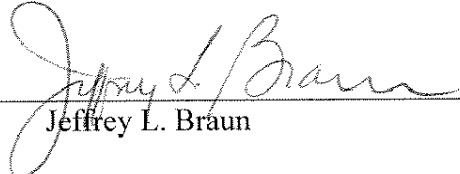


purported cause of action asserted in the combined petition and complaint, which is asserted against FCRC, pursuant to CPLR 7804(f) and CPLR 3211(a)(1) and (7), on the grounds that the purported cause of action asserts matters that are not ripe for judicial review, there are defenses to the cause of action founded upon documentary evidence, and the purported cause of action fails to state a cause of action, and (3) grants FCRC such other and further relief as is just and proper, including its costs on petitioners' motion for a preliminary injunction and this cross-motion.

Dated: February 9, 2006
New York, NY

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