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March 31, 2021

Via NYSCEF

Justice Barry R. Ostrager
New York State Supreme Court
Commercial Division, Part 61
60 Centre Street, Room 629
New York, NY 10007

Re: Application for Recusal

Roberts, et al. v. BPP PCV Owner LLC, et al., Index No. 100956/2007
(Sup. Ct. N.Y. Cty.) (the “*Roberts Action*”), and *Stuyvesant Town - Peter
Cooper Village Tenants’ Association, et al. v. BPP ST Owner LLC, et al.*,
Index No. 152397/2020 (Sup. Ct. N.Y. Cty.) (the “*New Action*”)

Dear Justice Ostrager:

Please be advised that, based upon the Court’s disclosure of a potential appearance of conflicts in its March 26, 2021 Court Notice, the plaintiffs in the New Action respectfully request that your Honor recuse himself from presiding over this matter.

Plaintiffs wanted to express their appreciation for your Honor’s detailed disclosure and fully understand that your Honor first recognized the potential for an appearance of conflicts in reviewing the voluminous file for oral argument and promptly brought that recognition to our attention.

Given the extensive ties between your Honor’s former law firm and the Blackstone group the Plaintiffs were, however, disappointed that counsel for the Defendants did not independently bring this potential conflict to our attention when this action was first assigned over a year ago. It might have spared any delay that may now result from a transfer to a new justice.

Very truly yours,

Timothy L. Collins

Timothy L. Collins

Counsel for the Plaintiffs

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

PRESENT: HON. BARRY R. OSTRAGER PART IAS 61EFM

Justice

X

AMY L. ROBERTS, THOMAS I. SHAMY, DAVID AND ANNMARIE HUNTER, MARGARET CARROLL, KELLEY AND TONY LANNI, EVAN HORISK, and BETH ROSNER GIOKAS, on behalf of themselves and all others similarly situated,

Plaintiffs,

- v -

BPP ST OWNER LLC and BPP PCV OWNER LLC,,

Defendants.

INDEX NO.	100956/2007
MOTION DATE	
MOTION SEQ. NO.	

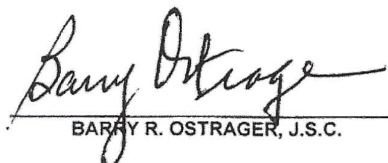
RECUSAL ORDER

HON. BARRY R. OSTRAGER

I recuse myself from this case and the related case *Stuyvesant Town v BPP St Owner LLC* (152397/2020). On March 25, 2021 I made a disclosure to the parties concerning defendant BPP St Owner LLC, which I learned is a Blackstone affiliate. Specifically, prior to my appointment to the bench, I was a partner at Simpson Thacher & Bartlett LLP. Blackstone was and is one of Simpson Thacher & Bartlett LLP's largest clients. I currently receive a pension from Simpson Thacher & Bartlett LLP which is derived at least in part from the substantial revenue the firm receives from Blackstone.

On April 1, 2021, plaintiffs' counsel requested that I recuse myself from these cases which I hereby do. This case is referred to the General Clerks' Office for reassignment to another Commercial Division Justice.

Dated: April 1, 2021


BARRY R. OSTRAGER, J.S.C.