

2 CC press

**Kate Wood**

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**From:** Simeon Bankoff [sbankoff@hdc.org]  
**Sent:** Wednesday, December 08, 2004 2:14 PM  
**To:** Kate Wood  
**Subject:** from the NY Post: BLOCKING PROGRESS FOR N.Y.

## BLOCKING PROGRESS FOR N.Y.

December 8, 2004 --

The zealots trying to prevent the city from selling 2 Columbus Circle - that white-marble eyesore perched on lollipop sticks - to the Museum of Arts & Design have taken the nuisance suit to a new level of absurdity.

A bunch of run-amok "preservationists" led by Landmark West! have already delayed the overdue sale to a fine museum with a lawsuit that was properly dismissed last spring - a decision they're, of course, appealing.

At issue are the objections to the museum's plans to replace Edward Durrell Stone's blank facade - which makes the structure unsuited for any practical use - with fronting that will include windows; it's tender treatment indeed for a structure any other purchaser simply would demolish.

Now, even as the appellate judges take up the dismissal, the activists are taking another approach. They filed a new suit last week against the Manhattan Borough Board, comprised of the borough president, City Council members and community board chairpersons.

The litigants' beef?

That the board, which approved the sale on a 9-1 vote, scheduled a public hearing on the matter in the latter part of August, "a time when New Yorkers traditionally take summer vacations."

Adding to the whiners' inconvenience, the hearing coincided with "the anticipated disruption of the Republican Party National Convention."

As a result, the plaintiffs want the board's vote declared null and void.

We hope the court will recognize such obstructionism for what it is. Lawyers call it "tortious interference," or the willful attempt to disrupt a legal contract.

New York has an unhealthy tolerance for nonsense of this sort, but it has become beyond ridiculous.

The museum would do well to counter-sue, seeking substantial damages - and an enforceable court order prohibiting further obstructionism.

Enough is enough.

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