

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Erie at the Erie County Courthouse located at 25 Delaware Avenue, Buffalo, New York on the 24 day of July, 2020

Hon. Frank A. Jedina III JSC

BUFFALO POLICE BENEVOLENT ASSOCIATION, INC.; and BUFFALO PROFESSIONAL FIREFIGHTERS ASSOCIATION, INC., LOCAL 282, IAFF, AFL-CIO,

Petitioners/Plaintiffs,

INDEX NO: *807664/2020*

[PROPOSED] ORDER TO SHOW CAUSE

vs.

BYRON W. BROWN, in his official capacity as Mayor of the City of Buffalo; the CITY OF BUFFALO; BYRON C. LOCKWOOD, in his official capacity as Commissioner of the Buffalo Police Department; the BUFFALO POLICE DEPARTMENT; WILLIAM RENALDO, in his official capacity as Commissioner of the Buffalo Fire Department; and the BUFFALO FIRE DEPARTMENT,

Respondents/Defendants.

Upon reading the annexed Verified Petition/Complaint and supporting exhibits, its accompanying Memorandum of Law and supporting exhibits, the Affirmation of John J. Gilmour, Esq. in Support of Emergency Relief dated July 22, 2020, and sufficient cause being alleged, it is hereby:

ORDERED that the Respondents/Defendants ("Respondents") show cause before this Court, at IAS Part 3B of the Erie County Courthouse located at 25 Delaware Avenue,

25 Delaware Ave.

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Buffalo, New York on the 16th day of August, at 9:00 a.m./p.m. of that day, or as soon thereafter as counsel can be heard, why an Order should not be made pursuant to CPLR §6301, on behalf of Petitioners/Plaintiffs ("Petitioners") Buffalo Police Benevolent Association, Inc. and Buffalo Professional Firefighters Association, Inc., Local 282, IAFF, AFL-CIO, preliminarily restraining Respondents, and those acting in concert with them, from publicly disclosing any records concerning disciplinary matters against individual Buffalo Police Officers and Firefighters that are pending, unsubstantiated unfounded, exonerated, or that otherwise resulted in a finding of "not guilty" ("Unsubstantiated and Pending Allegations"), or that regard settlement agreements entered into prior to June 12, 2020.

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IT IS FURTHER ORDERED that pending the hearing scheduled above for the preliminary injunction, a temporary restraining order is hereby issued restraining Respondents, and those acting in concert with them, from publicly disclosing any records concerning Unsubstantiated and Pending Allegations or settlement agreements entered into prior to June 12, 2020; and

IT IS FURTHER ORDERED that service of a copy of this Order to Show Cause and the papers on which it is based, on or before July 27, 2020, by email correspondence to the designated service email address for the Buffalo Corporation Counsel's office (tball@city-buffalo.com), together with delivery by mail of a hard copy of those same documents to the Buffalo Corporation Counsel's Office at 1100 Buffalo City Hall, 65 Niagara Square, Buffalo, New York 14202, shall be deemed good and sufficient service on Respondents' counsel;

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IT IS FURTHER ORDERED that Petitioners are permitted to serve expedited document discovery requests, limited to no more than ten numbered, written document requests, and that Respondents shall produce documents responsive to the requests within 7 days of

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service of the requests, so that Petitioners can review the documents before the return date stated above for a hearing on Petitioners' request for a preliminary injunction;

IT IS FURTHER ORDERED that the Respondents' opposition papers, if any, are to be served on Petitioners' counsel via NYSCEF and email (igilmour@gilmourkillelea.com), on or before the 14th day of August, 2020;

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IT IS FURTHER ORDERED that the Petitioners' reply papers, if any, shall be served via NYSCEF and email (tball@city-buffalo.com), on or before the 19th day of August, 2020.

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Signed, this 14th day of July, Buffalo, New York:

ENTER:

[Handwritten Signature]

Frank A. Jettita IV J.S.C.