

At an I.A.S. Part TJN of the Supreme Court of the State of New York, held in and for the County of Westchester, at the Courthouse located at 111 Dr. Martin Luther King Jr. Blvd., White Plains, New York, 10601, on the 6th day of January, 2017.

PRESENT: **HON. TERRY JANE RUDERMAN**
SUPREME COURT JUSTICE
Hon. AS DUTY JUDGE
Justice.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

LAWRENCE A. PORCARI, JOSEPH SPIEZIO,
RALPH UZZI, MARIA DONOVAN, LA'TEEA
GOINGS,

Plaintiffs,

RICHARD THOMAS, as Mayor of the City of Mount
Vernon,

Nominal Plaintiff,

-against-

MARCUS A. GRIFFITH, individually and as
president of the City Council of the City of Mount
Vernon; ANDRE WALLACE, ROBERTA L.
APUZZO, LISA COPELAND and J. YUHANNA
EDWARDS, in their capacity as members of the City
Council of the City of Mount Vernon; MAUREEN
WALKER, individually and in her capacity as
Comptroller of the City of Mount Vernon,

Defendants,

CITY OF MOUNT VERNON,

Nominal Defendant.

Index No. 50259/2017

Date Index No. Purchased:
January 6, 2017

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
WITH
TEMPORARY
RESTRAINING ORDER**

UPON reading and filing the Summons with Notice, filed on January 6th, 2017, the

Affirmation of Jeffrey D. Buss, Esq., dated January 6th, 2017, and the Affidavits of Lawrence

Porcari, Esq., Corporation Counsel for the City of Mount Vernon; Joseph F. Spiezio, III, Deputy Police Commissioner of the City of Mount Vernon; Ralph Uzzi, Commissioner of Public Works for the City of Mount Vernon; Maria Donovan, Esq., Special Assistant and Legal Counsel to the Mayor of the City of Mount Vernon; and La'Teea Goings, Esq., Second Deputy Corporation Counsel for the City of Mount Vernon; all sworn to on January 6, 2017, together with the exhibits annexed thereto,

LET Defendants Marcus A. Griffith, Andrew Wallace, Roberta L. Apuzzo, Lisa

Copeland, J. Yuhanna Edwards, and Maureen Walker (collectively, "Defendants") show cause ^{BEFORE} ~~at~~ ^{JUSTICE} ~~the~~ ^{LEFKOWITZ} ~~court~~ ^{IAS PART JBL} I.A.S. Part ~~_____~~, Room 800, of this Court, to be held at the Courthouse located at 111 Dr.

Martin Luther King Jr. Blvd., White Plains, New York, on the 9th day of January, 2017, at 2:30 o'clock in the ~~PM~~ after noon, or as soon thereafter as the parties to this proceeding may be heard, why an order should not be issued, pursuant to CPLR §§ 6301 and 6311, preliminarily:

(i) enjoining and restraining Defendants from suspending, terminating, or interfering with the Plaintiffs' salary and wages;

(ii) enjoining and restraining Defendants from suspending, terminating, or interfering with Plaintiffs' employment benefits, including without limitation, health insurance, life insurance, retirement, expense reimbursements, use of vehicles and all other benefits of employment;

(iii) enjoining and restraining Defendants from disrupting, obstructing, or interfering in any way with Plaintiffs' ability to perform their employment obligations and the provision of municipal services;

IT IS FURTHER ORDERED that, pursuant to CPLR § 6313, pending a hearing and determination of this motion for a preliminary injunction, Defendants and their employees, representatives, agents, successors and assigns be and hereby are temporarily enjoined and restrained from:

- (i) suspending, terminating, or interfering with the Plaintiffs' salary and wages;
- (ii) suspending, terminating, or interfering with the Plaintiffs' employment benefits, including without limitation, health insurance, life insurance, retirement, expense reimbursements, use of vehicles and all other benefits of their employment; and
- (iii) disrupting, obstructing, or interfering in any way with Plaintiffs' ability to perform their employment obligations and the provision of municipal services.

SUFFICIENT CAUSE APPEARING THEREFORE, let ^{personal} service of a copy of this Order and the papers upon which this Order is granted, upon Defendants or their counsel, by 10:00 A.M., on ^{or before} ~~or before~~ the 9th day of JANUARY, 2017, be deemed good and sufficient service. An affidavit or other proof of service shall be presented to this Court on the return date fixed above.

E N T E R:



HON. TERRY JANE RUDERMAN
SUPREME COURT JUSTICE

J.S.C.

AS DUTY JUDGE FOR JBL