

At an L.A.S. Part 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 13 day of October, 2017.

PRESENT:

Hon. Charles D. Wood
Justice.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
RICHARD THOMAS, as Mayor of the City of :
Mount Vernon, :

Petitioner, :

-against- :

MAUREEN WALKER, as Comptroller of the City :
of Mount Vernon and J.P. MORGAN CHASE & :
CO., :

Respondent, :
-----X

Index No. 67119/2017

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER**

UPON reading and filing the Verified Petition, filed on October 13th, 2017, together with the exhibits annexed thereto, the Memorandum of Law in Support of Verified Petition, dated October 13th, 2017, and the Affidavits of Lawrence Porcari, Esq., Corporation Counsel for the City of Mount Vernon and Shawn Harris, acting Police Commissioner of the City of Mount Vernon, both sworn to on October 13th, 2017,

LET Respondents Maureen Walker, and J.P. Morgan Chase & Co. show cause at L.A.S. Part , Room 202, of this Court, to be held at the Courthouse located at 111 Dr. Martin Luther King Jr. Blvd., White Plains, New York, on the 19th day of October, 2017, at

2 pm o'clock in the fore/afternoon, or as soon thereafter as the parties to this proceeding may be heard, why an order should not be issued:

(i) pursuant to CPLR § 7803(1), compelling Respondent Maureen Walker and her employees, representatives, agents, successors and assigns, to either approve payment of Check No. 139138, in the amount of \$70,786.00, payable to Vance Chevrolet, Buick, GMC, Inc. or (ii) to issue and sign a new check in the amount of \$70,786.00, payable to Vance Chevrolet, Buick, GMC, Inc., to pay for a law enforcement vehicle that was duly purchased by and delivered to the Police Department;

(ii) pursuant to CPLR § 7803(1), compelling Respondents and their respective employees, representatives, agents, successors and assigns to grant Petitioner online access to the City's bank accounts, which will allow Petitioner to examine such accounts "at all times and as often as he deems necessary," "without notice," as required under the City Charter;

(iii) pursuant to CPLR §§ 6301 and 6311, preliminarily enjoining and restraining Respondent Walker and her respective employees, representatives, agents, successors and assigns from further violating the City Charter by suspending, terminating, or interfering in any way with (i) Petitioner's ability to examine the City's bank accounts online; and (ii) the payment of bills and expenses duly incurred and authorized by the Commissioner of the Police Department and the heads of other executive departments of the City of Mount Vernon.

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

~~(i) suspending, terminating, or interfering in any way with Petitioner's ability to examine the City's bank accounts online, at all times and as often as he deems necessary, and without notice, pursuant to Article VI Section 66 of the City Charter; and~~

~~(ii) refusing to issue checks and drafts for the payment of bills and expenses duly incurred and authorized to be paid by the Mayor or the head of an executive department of the City of Mount Vernon, and~~

~~(iii) ~~Authorizing and directing~~ Respondent JP Morgan Chase ^{is directed} to pay check number 139138, in the amount of \$70,786.00, to Vance Chevrolet, Buick GMS, Inc., without Positive Pay Feature; and~~

~~(iv) Designating the Mayor of the City of Mount Vernon as the Security Administrator and Authorized User for all banking accounts maintained by the City of Mount Vernon with JP Morgan Chase and directing Respondent JP Morgan Chase to grant the Mayor of the City of Mount Vernon on-line access to all said accounts.~~

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, on or before the ____ day of October, 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:

CWD
IN ABSENCE (OF JUDGE [Schwarz]) J.S.C. SCHWARZ

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