

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LILLIAN ROBERTS, as *Executive Director*,
DISTRICT COUNCIL 37, AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
AFL-CIO; DENNIS IFILL, as *President of LOCAL*
1359 (Rent Regulation Services Unit Employees);
ESTHER TUCKER, as *President of LOCAL 384*;
JAMES B. CULLEN, as *Administrator of LOCAL*
2054; MAF MISBAH UDDIN, as *President of*
LOCAL 1407; ROBERT AJAYE, as *President of*
LOCAL 2627; BEHROUZ FATHI, as *Acting President*
of CIVIL SERVICE TECHNICAL GUILD - LOCAL 375;
ERIC LATSON, as *President of LOCAL 1597*; CHARLES
FARRISON, as *President of LOCAL 1797*; MARK
ROSENTHAL; KYLE SIMMONS, as *President of*
LOCAL 924; MANUEL A. ROMAN, JR.; and
CLIFFORD KOPPELMAN, as *President of Local 1070*.

Plaintiffs,

-against-

1:10-CV-00569 (LEK/DRH)

DAVID A. PATERSON, as *Governor of the State of*
New York; NEW YORK STATE ASSEMBLY; NEW
YORK STATE SENATE; JONATHAN LIPPMAN,
as *Chief Judge of the New York Unified Court System*;
NEW YORK STATE DIVISION OF HOUSING AND
COMMUNITY RENEWAL; THE CITY UNIVERSITY
OF NEW YORK (MATTHEW GOLDSTEIN, as
Chancellor of the City University of New York; and
the STATE OF NEW YORK,

Defendants.

ORDER

I. BACKGROUND

Presently before the Court is a Motion for temporary restraining order ("TRO") brought by the above-captioned Plaintiffs. Plaintiffs' Motion seeks to temporarily enjoin implementation of

certain terms of a New York State "extender bill" and to enjoin further submittal of such bills containing those terms. For the reasons discussed in this Court's May 12, 2010 Order in the related cases, Donohue et al v. Paterson et al, 1:10-CV-00543; Brynien v. Paterson et al, 1:10-CV-00544; Smith et al v. Paterson et al, 1:10-CV-00546; and Bowen et al v. Paterson et al 1:10-CV-00549, it is hereby

ORDERED, Plaintiffs' Emergency Motion for a Temporary Restraining Order (Dkt. No. 2) is **GRANTED consistent with this Order**; and it is further

ORDERED, that Defendants show cause before this Court, located at James T. Foley U.S. Courthouse, 445 Broadway, Albany, New York 12207, on May 26, 2010, at 2:00 p.m., or as soon thereafter as counsel can be heard, why an order should not be made and entered preliminarily enjoining each and every Defendant, pursuant to Federal Rule of Procedure 65, from implementing any furloughs of members represented by Plaintiffs, and preliminarily enjoining Defendant David A. Paterson, as Governor of the State of New York, from submitting to Defendants New York State Assembly and New York State Senate any further "extender" appropriation bills that exclude appropriations in the amount and at the rates provided for in the collective bargaining agreements between the parties; and it is further

ORDERED, that sufficient cause appearing, personal service of a copy of this Order to Show Cause, together with a copy of the papers upon which it is granted, on the Attorney General of the State of New York, and all named Defendants, on or before May 13, 2010, at 12:00 p.m., be deemed good and sufficient service; and it is further

ORDERED, that for the time being and until a decision as to Plaintiffs' application for a preliminary injunction, Defendants are temporarily and immediately enjoined from

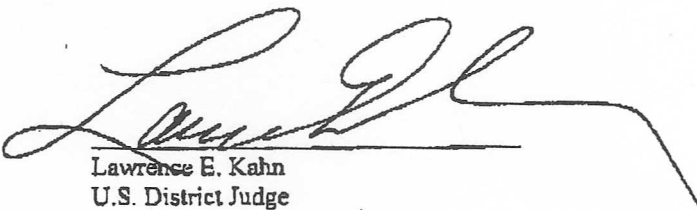
implementing any furloughs affecting Plaintiffs' members, and Defendant David A. Paterson, as Governor of the State of New York, is temporarily and immediately enjoined from submitting to Defendants New York State Assembly and New York State Senate any further "extender" appropriation bills that include provisions requiring furloughs or exclude the payment of Plaintiffs' contracted-for salary raises; and it is further

ORDERED, that, any answering papers shall be electronically filed and served upon Plaintiffs' attorneys on or before 9:00 a.m., May 19, 2010; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

DATED: May 17, 2010
Albany, New York



Lawrence E. Kahn
U.S. District Judge