

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NOVEMBER TEAM, INC.; ANAT GERSTEIN,  
INC., BERLINROSEN PUBLIC AFFAIRS, LTD.; RISA  
HELLER COMMUNICATIONS LLC; and MERCURY  
LLC,

Plaintiffs,

-against-

NEW YORK STATE JOINT COMMISSION ON  
PUBLIC ETHICS; and DANIEL J. HORWITZ, DAVID  
ARROYO, HON. JOSEPH COVELLO, MARVIN E.  
JACOB, SEYMOUR KNOX IV, HON. EILEEN  
KORETZ, GARY J. LAVINE, HON. MARY LOU  
RATH, DAVID A. RENZI, MICHAEL A. ROMEO,  
HON. RENEE R. ROTH, MICHAEL K. ROZEN,  
DAWN L. SMALLS, and GEORGE H. WEISMAN, in  
their official capacities as members of the New York  
State Joint Commission on Public Ethics,

Defendants.

No. 16 Civ. \_\_\_\_\_

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

Upon reading the annexed Declaration of Andrew G. Celli, Jr., dated March 8, 2016, and the exhibits annexed thereto; the Complaint dated March 8, 2016; and the Memorandum of Law in Support of Plaintiff's Motion for a Temporary Restraining Order and a Preliminary Injunction, dated March 8, 2016; and all pleadings and proceedings relevant to this action, and good and sufficient cause therefor, it is hereby:

ORDERED that Defendants New York State Joint Commission on Public Ethics, Daniel J. Horwitz, David Arroyo, Hon. Joseph Covello, Marvin E. Jacob, Seymour Knox IV, Hon. Eileen Koretz, Gary J, Lavine, Hon. Mary Lou Rath, David A. Renzi, Michael A. Romeo,

Hon. Renee R. Roth, Michael K. Rozen, Dawn L. Smalls, and George H. Weisman show cause before this Court in Room \_\_\_\_\_, \_\_\_\_\_, New York, New York on \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, or as soon thereafter as counsel can be heard, why an order should not be issued, pursuant to Federal Rule of Civil Procedure 65, preliminarily enjoining defendants from taking any enforcement action against plaintiffs based on the Joint Commission of Public Ethics's Advisory Opinion 16-01 insofar as it construes the New York Lobbying Act, N.Y. Leg. Law §§ 1-a-1-v, to apply to public relations consultants and others who do not engage in lobbying as traditionally defined; and it is

FURTHER ORDERED, that pending the hearing and determination of plaintiffs' motion for a preliminary injunction, defendants shall take no action requiring plaintiffs to comply with Advisory Opinion 16-01's interpretation of the Lobbying Act as it applies to public relations consultants or seeking to enforce Advisory Opinion 16-01 insofar as it construes the New York Lobbying Act, N.Y. Leg. Law §§ 1-a-1-v, to apply to public relations consultants and others who do not engage in lobbying as traditionally defined; and it is

FURTHER ORDERED that the bond requirement of Federal Rule of Civil Procedure 65(c) is waived; and it is

FURTHER ORDERED, that a copy of this Order to Show Cause together with the papers upon which it is based, and the Summons and Complaint, be served on or before the close of business, \_\_\_\_\_, March \_\_\_\_, 2016 upon the defendants by: (a) hand delivering copies thereof to an Assistant Attorney General at the Office of the New York State Attorney General at 120 Broadway, New York, New York 10271; (b) sending by overnight courier copies thereof to each of the individual defendants, the fourteen members of the Commission, sued in

their official capacity—Daniel J. Horwitz, David Arroyo, Hon. Joseph Covello, Marvine E. Jacob, Seymour Knox IV, Hon. Eileen Koretz, Gary J. Lavine, Hon. Mary Lou Rath, David A. Renzi, Michael A. Romeo, Hon. Renee R. Roth, Michael K. Rozen, Dawn L. Smalls, and George H. Weisman—at the Commission’s place of business, 540 Broadway, Albany, New York 12207; and (c) sending by electronic mail copies thereof to Martin Levine, Esq., the Commission’s Director of Lobbying and Financial Disclosure and Senior Counsel, at martin.levine@jcope.ny.gov, all of which shall be deemed good and sufficient service; and it is.

FURTHER ORDERED that service of opposition papers, if any, be made on or before the \_\_\_ day of \_\_\_\_\_, 2016 by delivering copies thereof by email and by hand or overnight delivery to the offices of Emery Celli Brinckerhoff & Abady, LLP, 600 Fifth Avenue, 10th Floor, New York, New York, 10020, attorneys for Plaintiff, c/o Andrew G. Celli, Jr. (acelli@ecbalaw.com); and it is

FURTHER ORDERED that service of reply papers, if any, be made on or before the \_\_\_ day of \_\_\_\_\_, 2016 by delivering copies thereof by email and by hand or overnight delivery to the Office of the New York State Attorney General at 120 Broadway, New York, New York 10271.

SO ORDERED:

Dated: \_\_\_\_\_

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U.S.D.J.