

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the matter of:)	
)	
ENERGY & ENVIRONMENT)	Index No.: _____
LEGAL INSTITUTE)	
)	NOTICE OF PETITION
Petitioners,)	
)	
v.)	ORAL ARGUMENT
)	REQUESTED
)	
THE ATTORNEY GENERAL OF NEW YORK)	
)	
Respondent,)	
)	
For a judgment pursuant to Article 78)	
of the Civil Practice Law and Rules.)	

PLEASE TAKE NOTICE THAT, upon the annexed verified petition of the Energy & Environment Legal Institute, and the exhibits attached thereto, and the affirmation of Francis Menton, an application pursuant to Article 78 of the Civil Practice Law and Rules (“CPLR”) will be made to this Court at the Motion Submission Part Courtroom of the Courthouse located at 60 Centre Street, New York, NY on November 10, 2017 at 9:00 a.m., or as soon thereafter as counsel may be heard, for an order and judgment:

- a. Declaring that the records as specifically described in petitioners' FOIL request, and any attachments thereto, are public records, and as such, are subject to release under the New York Freedom of Information Law;
- b. Declaring that the respondent must release those requested records or segregable portions thereof subject to legitimate exemptions;
- c. Declaring that the respondent is estopped from seeking seek costs and fees for the request at issue in this case.
- d. Compelling respondent to produce all records in its possession responsive to petitioners' New York Freedom of Information Law request, without fees, subject to legitimate withholdings.
- e. Ordering the respondent to produce to petitioners, within 5 business days of the date of the order, the requested records described in petitioners' request, and any attachments thereto, subject to legitimate withholdings.
- f. Ordering the Parties to consult regarding withheld documents and to file a status report to the Court within 10 days after petitioners receive the last of the produced documents, addressing respondent's preparation of a withholdings log and a briefing schedule for resolution of remaining issues associated with petitioners' challenges to respondent's withholdings and any other remaining issues.
- g. Ordering the respondent to pay reasonable attorney fees and other litigation costs reasonably incurred in this case.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804(c), and unless otherwise agreed to by the parties or ordered by the court, answering papers, if any, must be served five (5) days before the return date of this application, and reply papers, if any, must be served one (1) day before the return date of this application.

Dated this the ____ day of _____, 2017.

Energy & Environment Legal Institute

By: _____

Francis J. Menton
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