

**SUMMARY STATEMENT ON APPLICATION FOR EXPEDITED SERVICE AND/OR INTERIM RELIEF**  
(SUBMITTED BY MOVING PARTY)

Date 9/8/10

Title of Matter OTR Media Group, Inc. v. The City of New York, Michael F. Bloomberg, as Mayor The Commissioner of the NYC Dept. of Buildings Index/Indict # 116293/06  
County NY

Appeal by Plaintiff from order judgment of Supreme Court of Surrogate's Family County NY Court entered on July 22, 2010

Name of Judge Eileen Rakower Notice of Appeal filed on Sept. 2, 2010

If from: administrative determination, state agency \_\_\_\_\_

Nature of action or proceeding Constitutional challenge based on First Amendment + Equal Protection clauses of NY state Constitution, to regulate

Provisions of order judgment appealed from having a disparate impact on outdoor advertising companies decree

All parts of the order, which granted the motions of the defendants for summary judgment and denial

This application by appellant respondent is for a stay of the order pending the outcome of the appeal for a preliminary injunction

If applying for a stay, state reason why requested A stay has been in effect on consent since in or about November, 2006. That stay will expire on Sept. 10, 2010. This court recently granted a stay of enforcement of these regulations in another case. The plaintiff will be irreparably harmed and forced out of business by excessive punitive and unequally enforced fines.

Has any undertaking been posted No If "yes", state amount and type \_\_\_\_\_

Has application been made to court below for this relief Yes If yes, state Disposition July 20, 2010  
Has there been any prior application herein in this court No If "yes", state dates and nature \_\_\_\_\_

Has adversary been advised of this application Yes Does he/she consent No

Attorney for Movant

Attorney for Opposition

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Appearing by Ellen August

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Karen Britton

(Do not write below this line)

DISPOSITION

The application by plaintiff Appellants for a stay of the action is granted until the hearing of the appeal and the movant is directed to perfect for the January term.

Allen Margaret Daniels  
Justice  
SMD

Date 9/18/10

Motion Date \_\_\_\_\_ Opposition \_\_\_\_\_ Reply \_\_\_\_\_

EXPEDITE \_\_\_\_\_ PHONE ATTORNEYS \_\_\_\_\_ DECISION BY \_\_\_\_\_

ALL PAPERS TO BE SERVED PERSONALLY.

EW

Court Attorney