

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ALBANY

ASSEMBLYMAN WILLIAM BARCLAY,
ASSEMBLYMAN GARY FINCH,
ASSEMBLYMAN ANDREW GARBARINO,
ASSEMBLYMAN ANDREW GOODELL,
ASSEMBLYMAN STEPHEN HAWLEY,
ASSEMBLYMAN BRIAN KOLB,
ASSEMBLYMAN BRIAN MANKTELOW,
ASSEMBLYMAN ANGELO MORINELLO,
ASSEMBLYMAN ANTHONY PALUMBO,
SENATOR THOMAS O'MARA, and
SENATOR ROBERT ORTT, IN THEIR
INDIVIDUAL AND OFFICIAL CAPACITIES

NOTICE OF PETITION

Index No. 2019 -

Petitioners.

v.

NEW YORK STATE COMMITTEE
ON LEGISLATIVE AND EXECUTIVE
COMPENSATION; THOMAS P. DINAPOLI,
H. CARL MCCALL, SCOTT STRINGER
AND WILLIAM C. THOMPSON, JR. IN THEIR
CAPACITIES AS MEMBERS OF THE NEW
YORK STATE COMMITTEE ON LEGISLATIVE
AND EXECUTIVE COMPENSATION

Defendants.

PLEASE TAKE NOTICE, that upon the annexed Verified Petition of Assemblyman William Barclay, dated March 9, 2019, application and petition will be made before Hon. _____, at a Special Term of the Supreme Court of the State of New York, to be held at the Albany County Court Building, on the 3rd day of May, 2019, at 9:30 a.m./p.m., or as soon thereafter as counsel can be heard for an order annulling the provisions of the Committee on Legislative and Executive Compensation Report, dated December 10, 2018, that restrict a Legislator's ability to maintain outside employment that requires a fiduciary duty to the

employer or a client and to earn outside income greater than fifteen (15) percent of the legislator salary; and declaring that the provisions of the Report that restrict a legislator's ability to maintain outside employment that requires a fiduciary duty to clients, customers or an employer and to earn outside income greater than fifteen (15) percent of the legislator salary are invalid, unconstitutional, and unenforceable.

PLEASE TAKE FURTHER NOTICE, answering affidavits or motions, if any, are to be served upon the undersigned at least five (5) days prior to the return date of this petition.

Albany County is designated as the venue for this proceeding pursuant to CPLR §506(b).

DATED: Buffalo, New York
March 29, 2019

LIPPES MATHIAS WEXLER FRIEDMAN LLP

s// Dennis C. Vacco
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