

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

_____)
In the Matter of the Application of)
JUDICIAL WATCH, INC.,)
)
Petitioner,)
)
For a Judgment under Article 78 of)
the Civil Practice Law and Rules)
Compelling Production of Records)
Pursuant to the New York Freedom of)
Information Law)
)
-against-)
)
OFFICE OF THE MAYOR,)
)
Respondent.)
_____)

**VERIFIED PETITION TO COMPEL PRODUCTION OF DOCUMENTS PURSUANT
TO NEW YORK FREEDOM OF INFORMATION LAW**

1. On January 15, 2013, Petitioner filed with the offices of the respondent, *via* certified mail, a Freedom of Information Law (“FOIL”) request requesting access to certain records under FOIL. *See* Exhibit 1. This request sought access to and a copy of any and all records concerning or relating to the following:

--Any and all records of communication between Mayor Bloomberg and/or any official, employee, or representative of the Office of the Mayor and any officer, employee, or representative of Mayors Against Illegal Guns.

--Any and all records of communication between Mayor Bloomberg and/or any official, employee, or representative of the Office of the Mayor and Vice President Joe Biden and/or any official, employee, or representative of the Office of the Vice President of the United States.

--Any and all records regarding, concerning or related to the January 9, 2013 White House meeting attended by Chief Advisor to the mayor for Policy and Strategic planning John Feinblatt, Vice President Biden, Attorney General Eric Holder, and others. This request includes, but is not limited to, any and all notes, talking points, briefing books, and internal memoranda produced in preparation for, during, and/or subsequent to the meeting.

The time frame for this request is December 14, 2012 and the present.

2. According to U.S. Postal Service records, Petitioner's request was received by Respondent on January 22, 2013. *Id.*

3. Pursuant to FOIL Section 89(3), Respondent was required to either to respond to Petitioner's request or acknowledge receipt of the request and state the approximate date that the request would be either granted or denied, within 5 business days.

4. On or about March 8, 2013 Petitioner received a letter from Respondent. *See* Exhibit 2. The letter acknowledged receipt of Petitioner's FOIL request. The letter further stated that Respondent was "reviewing your request" and that it "expect[s] to respond in twenty days informing you of the status of this review." *Id.* However, the letter failed to state whether Petitioner's FOIL request would be granted or denied or when a determination to grant or deny the request would be made.

5. Pursuant to FOIL Section 89(4)(a), when Respondent failed to issue such a determination by June 12, 2013, Petitioner considered the failure to respond as a constructive denial and filed an appeal. *See* Exhibit 3. According to U.S. Postal Service records, Petitioner's appeal was received by Respondent on June 18, 2013. *Id.*

6. On or about June 26, 2013, Petitioner received a second letter from Respondent. *See* Exhibit 4. The letter stated that, with respect to parts two and three of Petitioner's request,

Respondent anticipates “being able to provide you with a determination in approximately two months.” *Id.* Respondent’s letter did not state whether any responsive records would be released to Petitioner at the conclusion of those two months if the request was granted.

7. Respondent’s June 26, 2013 letter further stated that it was Respondent’s position that part one of Petitioner’s request was “not reasonably described” and requested Petitioner to amend that portion of the request. *Id.*

8. Petitioner responded to Respondent’s request to amend the FOIL request via certified mail on July 10, 2013. *See* Exhibit 5. In the letter, Petitioner modified part one of its FOIL request to read as follows:

--Any and all records of communication between Mayor Bloomberg and/or Chief Advisor to the Mayor for Policy and Strategic Planning John Feinblatt and Mr. Mark Glaze, Director of Mayors Against Illegal Guns and a Principal at The Raben Group, LLC between December 14, 2012 and January 22, 2013.

According to U.S. Postal Service records, Petitioner’s July 10, 2013 letter was received by Respondent on July 17, 2013. *Id.*

9. As of October 3, 2013, Petitioner has not received any further response from Respondent to its January 15, 2013 FOIL request, its June 12, 2013 administrative appeal letter, or its July 10, 2013 letter modifying part one of the request.

10. Pursuant to FOIL, Article 6, § 84, et seq., of the Public Officers Law, Petitioner has a right of access to the records requested in its January 15, 2013 FOIL request, and Respondent has no legal basis for refusing to disclose these records to Petitioner.

WHEREFORE, Petitioner prays that this Court: (1) declare that Respondent’s refusal to disclose the records requested by Petitioner is unlawful; (2) order Respondent to make the requested records available to Petitioner without further delay; (3) award Petitioner its costs and

reasonable attorneys' fees in this action; and (4) grant such other and further relief as the Court may deem just and proper.

Dated: October 3, 2013

Respectfully submitted,

JUDICIAL WATCH, INC.



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VERIFICATION

Washington, DC:

Jason B. Aldrich, being duly sworn, deposes and says that he represents Petitioner in the action, that he has read the within Petition, and that the contents thereof are true to his personal knowledge.

Jason Aldrich
Jason B. Aldrich

Sworn to before me this
3rd day of October, 2013.

Chris Mudd
Notary Public

