

At Special Term of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse thereof, 360 Adams Street, Brooklyn, New York, on the 15<sup>th</sup> day of December, 2005

P R E S E N T:

HON. THEODORE T. JONES,

Justice.

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NEW YORK CITY TRANSIT AUTHORITY,

Plaintiff,

Index No. 37902/05

against -

AMALGAMATED TRANSIT UNION, AFL-CIO  
("International"), an unincorporated voluntary association; *et al*,

Defendants.

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A motion having been brought by Order to Show Cause by Eliot Spitzer, Attorney General of the State of New York, on behalf of the plaintiff New York City Transit Authority for a temporary restraining order and a preliminary injunction pursuant to Civil Service Law §§ 210 and 211, and the defendants having appeared by Beth M. Margolis, Esq., on behalf of Amalgamated Transit Union, AFL-CIO ("International") and Locals 726 and 1056 of the Amalgamated Transit Union, AFL-CIO, including the executive board and officers and officials of the International and Locals, and said motion having regularly come before this Court on the 15<sup>th</sup> day of December, 2005;

NOW, upon reading and filing the Orders to Show Cause signed by the Hon. Theodore T. Jones, Justice of this Court, on December 15, 2005, the Affidavit of Gary J. Dellaverson, the Affirmation of Assistant Attorney General James B. Henly, and the Exhibits appended thereto, and

Upon hearing oral argument by all parties, and after due deliberation by this Court having been had,

NOW, on motion of Eliot Spitzer, Attorney General of the State of New York, attorney for plaintiff, it is

ORDERED that the plaintiff's motion for a preliminary injunction is granted to the following extent:

1. Defendant Amalgamated Transit Union, AFL-CIO and defendant Local 726 of the Amalgamated Transit Union, AFL-CIO, and defendant Local 1056 of the Amalgamated Transit Union, AFL-CIO and the officers, officials, directors, executive board members, members, employees, agents and representatives of defendant Amalgamated Transit Union, AFL-CIO and/or Locals 726 and 1056 of the Amalgamated Transit Union, AFL-CIO are enjoined from violating section 210 of the Civil Service Law by conducting, engaging or participating in, through any manner or any means a strike, work stoppage, sick-out, slowdown, or any other concerted activity with the intent of interrupting the normal and regular operations of the New York City Transit Authority; and

2. Defendant Amalgamated Transit Union, AFL-CIO and defendant Local 726 of the Amalgamated Transit Union, AFL-CIO, and defendant Local 1056 of the Amalgamated Transit Union, AFL-CIO and the officers, officials, directors, executive board members are enjoined from violating section 210 of the Civil Service Law by causing, instigating, or inciting a strike, work stoppage, sick-out, or slowdown against the New York City Transit Authority; and

IT IS FURTHER ORDERED that each and every member of Locals 726 and 1056 receive proper notice of this Order, based upon the requisite notice contemplated by the relevant statutes providing for effectuating proper service, and further, based upon the practical difficulties facing individual service upon the employees of Locals 726 and 1056, the plaintiff shall serve a copy of

this Order by ordinary first class mail and obtain a certificate of mailing from the United States Postal Service. By oral stipulation among counsel, defendants Locals 726 and 1056 and their respective officers, directors, and executive board members shall be deemed served via personal delivery of a copy of this order upon Beth M. Margolis, Esq., attorney for defendants; and furthermore, the officers, directors, and executive board members of Locals 726 and 1056 shall notify, forthwith, all of their members of their obligation not to strike in accordance with State Law and the directives of the instant Order and that they are obligated to continue to fulfill the terms of their employment. Such notice shall be by ordinary mail and e-mail, wherever feasible, and by placing such notification on the websites of Local 726 and the International; furthermore, the International shall be served with a copy of this order via overnight mail and facsimile transmission.

Plaintiff's application for a Temporary Restraining Order is rendered moot by the issuance of this Preliminary Injunction.

The foregoing constitutes the Order of this Court.

ENTER

J. S. C.