

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 21st 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 on by order to show cause by Eliot Spitzer, Attorney General of the State of New York (James B. Henly, Assistant Attorney General), on behalf of plaintiffs, for injunctive relief pursuant to Sections 210 and 211 of the Civil Service Law, and a further motion having been brought on by order to show cause by Eliot Spitzer, Attorney General of the State of New York, on behalf of plaintiffs, to punish defendants for criminal contempt of the Court's preliminary injunction order of December 15, 2005 and defendants having appeared by counsel.

On reading the Preliminary Injunction Order of this Court (Hon. Theodore T. Jones) entered on December 15, 2005 (the "Injunction"), and the affirmation of James B. Henly, an Assistant Attorney General of the State of New York, dated December 20, 2005, to which the Court's Injunction is annexed, the affidavit of Gary Dellaverson, Director of Labor Relations for the Metropolitan Transportation Authority, sworn to December 20, 2005, the

affirmations of Michael J. Lebowich, dated December 19, 2005, and Daniel Alchek, Esq., dated December 19, 2005; and

Upon all the pleadings and prior proceedings had herein upon plaintiffs' applications to punish defendants for contempt based upon defendants wilful defiance of this Court's order of December 15, 2005; and upon the testimony heard by this court and upon the Exhibits 1, 2A and 2B placed in evidence, and upon the Court's due consideration of the factors set forth in Judiciary Law § 751 (2) (a);

NOW, on motion of Eliot Spitzer, attorney for plaintiffs, it is

ORDERED AND ADJUDGED that the following defendant voluntary associations, are hereby declared guilty of criminal contempt of this Court in having wilfully disobeyed the order of this court dated December 15, 2005:

Local 726 of Amalgamated Transit Union AFL-CIO
Local 1056 of Amalgamated Transit Union AFL-CIO

and it is further

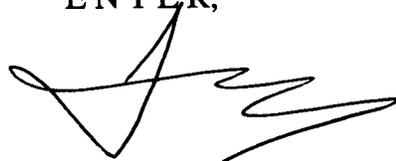
ORDERED AND ADJUDGED that by reason of and in punishment for such criminal contempt each of said defendant voluntary associations be and hereby are fined as follows:

Local 726 of Amalgamated
Transit Union AFL-CIO \$50,000.00 per day
Local 1056 of Amalgamated
Transit Union, AFL-CIO \$75,000.00 per day

Each such fine shall continue until such time as each local demonstrates compliance with this Court's preliminary injunction order of December 15, 2005.

This shall constitute the ORDER AND JUDGMENT OF THE COURT.

ENTER,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

J. S. C.