

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

---

In the Matter of the Application of

COMPETITIVE ENTERPRISE INSTITUTE,  
Petitioner,

-against-

THE ATTORNEY GENERAL OF NEW YORK,  
Respondent,

Index No.

**NOTICE OF PETITION**

**ORAL ARGUMENT REQUESTED**

For a Judgment Pursuant to Article 78 of the Civil  
Practice Law and Rules.

---

PLEASE TAKE NOTICE that upon the accompanying Verified Petition and the Affidavit of Hans Bader, Esq., dated August 26, 2016, and the exhibits annexed thereto, Petitioner Competitive Enterprise Institute will move this Court at the Supreme Court of New York, Albany County, New York, located at 16 Eagle Street, Albany, New York, on October 7, 2016, at 9:30 a.m., or as soon thereafter as counsel may be heard, for a judgment pursuant to Article 78 of the New York Civil Practice Law and Rules to compel compliance by the respondent Attorney General of New York with the New York Freedom of Information, Public Officers Law §§ 84-90 (“FOIL”), and to compel production under a records request made by Petitioner, and granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804(c), answering papers, if any, are to be served upon the undersigned at least five (5) days prior to the return date and any reply papers shall be served at least one (1) day prior to the return date.

PLEASE TAKE FURTHER NOTICE that Petitioner requests oral argument.

Dated: New York, New York  
August 31, 2016

Respectfully submitted,

BAKER & HOSTETLER LLP



Mark I. Bailen  
Washington Square, Suite 1100  
1050 Connecticut Avenue, NW  
Washington, D.C. 20036  
(202) 861-1500  
mbailen@bakerlaw.com

Elizabeth M. Schutte  
45 Rockefeller Plaza  
New York, New York 10111-0100  
(212) 589-4200  
eschutte@bakerlaw.com

*Counsel for Petitioner*

Sam Kazman  
Anna St. John  
COMPETITIVE ENTERPRISE INSTITUTE  
1310 L St. NW, 7th Floor  
Washington, DC 20005  
Telephone: (917) 327-2392  
Email: Sam.kazman@cei.org  
Email: Anna.stjohn@cei.org

TO: Office of the New York Attorney General  
The Capitol  
ALBANY OFFICE  
The Capitol Albany, New York, 12224-0341  
Phone (518) 776-2000