

STATE OF NEW YORK  
SUPREME COURT: NIAGARA COUNTY

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In the Matter of the Application of  
NEW YORK COALITION FOR OPEN GOVERNMENT,  
INC.

Index No.  
E171626/2020

Petitioner-Plaintiff

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

**NOTICE OF ENTRY  
OF ORDER**

NIAGARA COUNTY BOARD OF ETHICS;  
NIAGARA COUNTY LEGISLATURE;  
COUNTY OF NIAGARA;  
REBECCA J. WYDYSH AS CHAIRMAN OF THE  
NIAGARA COUNTY LEGISLATURE;  
JAMES SPANBAUER AS CHAIRMAN OF THE  
NIAGARA COUNTY BOARD OF ETHICS

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Respondents-Defendants

**PLEASE TAKE NOTICE** that annexed hereto is a true and correct copy of an Order dated December 1, 2020 that was entered in the office of the Clerk of the County of Niagara on December 2, 2020.

Dated: Amherst, New York

December 2, 2020

Respectfully submitted



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*Attorney for the Petitioner*  
*New York Coalition for Open Government*

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

In the Matter of the Application of  
NEW YORK COALITION FOR OPEN  
GOVERNMENT, INC.,

Petitioner-Plaintiff,

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

-against-

NIAGARA COUNTY BOARD OF ETHICS;  
NIAGARA COUNTY LEGISLATURE;  
COUNTY OF NIAGARA;  
REBECCA J. WYDYSH AS CHAIRMAN OF  
THE NIAGARA COUNTY LEGISLATURE;  
JAMES SPANBAUER AS CHAIRMAN OF  
THE NIAGARA COUNTY BOARD OF  
ETHICS

Respondents-Defendants.

INDEX NO. E171626/2020

Hon. Frank. J. Caruso

**[PROPOSED] ORDER**

**[PROPOSED] ORDER**

Upon consideration of the Verified Petition and Complaint of the New York Coalition for Open Government, Inc. dated February 14, 2020 and the exhibits thereto, the Memorandum of Law in Support of Verified Petition and Complaint dated February 13, 2020 and exhibits thereto, the Memorandum of Law in Further Support of Verified Petition dated August 27, 2020, and the Reply Affirmation dated September 9, 2020 of Michael F. Higgins, filed on behalf of the New York Coalition for Open Government, Inc., and the Answer and Responding Information dated August 19, 2020 and exhibit thereto and the Amended Answer and Responding Information and Motion to Dismiss dated September 4, 2020 and exhibit thereto of the Niagara County Board of

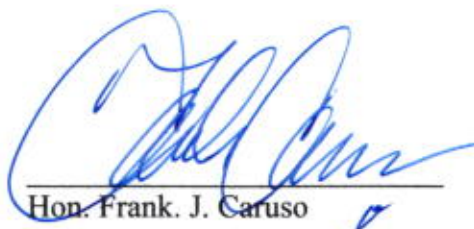
Ethics, the Niagara County Legislature, the County of Niagara, Rebecca J. Wydysch as Chairman of the Niagara County Legislature, and James Spanbauer as Chairman of the Niagara County Board of Ethics, it is on this 10th day of September 2020 hereby:

**ORDERED** that the Niagara County Board of Ethics produce all records responsive to Petitioner's FOIL request within twenty (20) days of the Court's order;

**ORDERED** that that Local Law Number 2 adopted in 1996 and the amendment, Local Law Number 1, adopted on May 7, 2019 by the Niagara County Legislature, are invalid and contrary to FOIL;

**ORDERED** that Petitioner-Plaintiff shall, not later than December 30, 2020 2020, file a quantum meruit application and additional evidence to support its request to award Petitioner-Plaintiff its costs and attorney's fees pursuant to Public Officer Law § 89(4)(c).

Dated: December 1, 2020  
Lockport, New York  
Niagara Falls

  
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Hon. Frank. J. Caruso  
Supreme Court Justice