

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONSUMER ELECTRONICS ASSOCIATION,
INFORMATION TECHNOLOGY INDUSTRY
COUNCIL, and ITAC SYSTEMS, INC.,

Plaintiffs,

v.

CITY OF NEW YORK, MICHAEL R. BLOOMBERG,
in his official capacity as Mayor of the City of New
York, NEW YORK CITY DEPARTMENT OF
SANITATION, JOHN J. DOHERTY, in his official
capacity as the Commissioner of the Department of
Sanitation, and ROBERT LANGE, in his official
capacity as Director of Waste Prevention, Reuse and
Recycling of the Department of Sanitation,

Defendants.

09 Civ. 6853 (WHP)

ECF Case

**PLAINTIFFS' NOTICE OF MOTION
FOR A PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that, upon the Declaration of Michael G. Murphy, dated August 7, 2009 and the exhibits attached thereto, the Declarations of Parker Brugge of Consumer Electronics Association, dated August 4, 2009, Rick Goss of Information Technology Industry Council, dated August 5, 2009, John Ernsberger of ITAC Systems, Inc., dated August 3, 2009, Timothy McGrady of LG Electronics USA, Inc., dated July 24, 2009, Jeffrey Whitelaw of Mitsubishi Digital Electronics America, Inc., dated August 5, 2009, David A. Thompson of Panasonic, August 3, 2009, Michael Moss of Samsung, dated August 5, 2009, Francis Marella of Sharp, dated August 4, 2009, Mark Small of Sony Electronics, dated August 6, 2009, William Taraday of ToteVision, dated August 3, 2009, Michael Droese of TTE Technology, Inc., dated August 4, 2009, Christopher A. McLean of Consumer Electronics Retailers Association, dated

August 6, 2009, Daniel M. Butturini, MBA, dated August 4, 2009, Mohan Rao, Ph.D., dated August 4, 2009, and Eric Williams, Ph.D., dated August 6, 2009, and the memorandum of law submitted herewith, the undersigned will move this Court, before the Honorable William H. Pauley III, on October 23, 2009, at 11:30 a.m., at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, Courtroom 11D, for an order, pursuant to Federal Rule of Civil Procedure 65, enjoining Defendants from implementing or enforcing (i) the deadline for submission of manufacturer electronic waste management plans as set forth in the Administrative Code of the City of New York § 16-423 and Title 16 of the Rules of the City of New York § 17-03(a); (ii) the New York City Local Laws 13 and 21, as set forth in Chapter 4-A of Title 16 of the Administrative Code of the City of New York; and (iii) the Rules Governing Electronic Equipment Collection, Recycling and Reuse as set forth in Chapter 17 of Title 16 of the Rules of the City of New York, and granting such other further relief as this Court deems just and proper.

Dated: August 7, 2009
New York, New York

Respectfully submitted,

BEVERIDGE & DIAMOND, P.C.

By: /s/ Michael G. Murphy
Michael G. Murphy (MM 5472)
Megan R. Brillault (MB 5562)
477 Madison Avenue, 15th Floor
New York, NY 10022
Telephone: (212) 702-5400
Facsimile: (212) 702-5450
mmurphy@bdlaw.com
mbrillault@bdlaw.com

James B. Slaughter (admitted *pro hac vice*)
Nadira Clarke (admitted *pro hac vice*)
1350 I Street, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 789-6000
Facsimile: (202) 789-6190
jslaughter@bdlaw.com
nclarke@bdlaw.com

*Attorneys for Plaintiffs Consumer Electronics
Association, Information Technology Industry
Council, and ITAC Systems, Inc.*