

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

	)
In the Matter of the Application of	)
JUDICIAL WATCH, INC.,	)
	)
Petitioner,	)
	)
For a Judgment under Article 78 of	)
the Civil Practice Law and Rules	)
Compelling Production of Records	)
Pursuant to the New York Freedom of	)
Information Law	)
	)
-against-	)
	)
OFFICE OF THE MAYOR,	)
	)
Respondent.	)
	)

**VERIFIED PETITION TO COMPEL PRODUCTION OF DOCUMENTS PURSUANT  
TO NEW YORK FREEDOM OF INFORMATION LAW**

1. On August 9, 2010, Petitioner filed with the offices of the respondent, *via* certified mail, a Freedom of Information Law (“FOIL”) request (*See* Exhibit 1) requesting access to certain records under FOIL. This request sought access to and a copy of any and all records concerning or relating to the following:

- a. All records of communication between the Office of the Mayor and Imam Feisal Abdul Rauf concerning the Cordoba Initiative’s proposed Cordoba House project.
- b. All records of communication between the Office of Mayor Bloomberg and any of the following entities:
  - 1. Council of American-Islamic Relations (CAIR);
  - 2. Islamic Society of North America (ISNA);
  - 3. International Institute of Islamic Thought (IIIT);

4. American Society for Muslim Advancement (ASTHMA)
5. American Arab Anti-Discrimination Committee (ADC);  
and/or
6. Muslim Public Affairs Council (MPAC).

2. Pursuant to FOIL Section 89(3), the Respondent was required to either to respond to Petitioner's request or acknowledge receipt of it and state the approximate date that the request would be either granted or denied, within 5 business days.

3. On or about August 19, 2010, Petitioner received a letter from Respondent. *See* Exhibit 2. The August 19, 2010 letter acknowledged receipt of Petitioner's FOIL request. *Id.* The letter further stated that Respondent was reviewing Petitioner's request and would respond in 20 days to further inform Petitioner as to the status of its request. *Id.*

4. As of October 8, 2010, Petitioner had received no additional response to its August 9, 2010 FOIL request. Therefore, pursuant to FOIL Section 89(4)(a), Petitioner appealed Respondent's constructive denial of Petitioner's FOIL request by letter dated October 8, 2010. *See* Exhibit 3.

5. Pursuant to FOIL Section 89(a), the Respondent was required to either to respond to Petitioner's appeal or provide access to the requested records on or before October 25, 2010. However, as of November 4, 2010, Petitioner has not received any further response to either its August 9, 2010 FOIL request or to its administrative appeal.

6. Pursuant to FOIL, Article 6, § 84, et seq., of the Public Officers Law, Petitioner has a right of access to the documents requested in its August 9, 2010 FOIL request, and Respondent has no legal basis for refusing to disclose these documents to Petitioner.

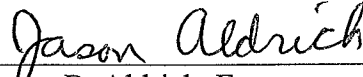
WHEREFORE, Petitioner prays that this Court: (1) declare that Respondent's refusal to

disclose the documents requested by Petitioner is unlawful; (2) order Respondent to make the requested documents available to Petitioner; (3) award Petitioner its costs and reasonable attorneys' fees in this action; and (4) grant such other and further relief as the Court may deem just and proper.

Dated: November 4, 2010

Respectfully submitted,

JUDICIAL WATCH, INC.



Jason B. Aldrich, Esq.  
NYS Bar No. 3992286  
425 Third St., SW  
Suite 800  
Washington, DC 20024  
(202) 646-5172

To: Anthony W. Crowell  
Counselor to the Mayor  
Office of the Mayor, City Hall  
New York, NY 10007

New York Office of Attorney General  
New York City Executive Office  
120 Broadway, 24<sup>th</sup> Floor  
New York City, NY 10271-0332

VERIFICATION

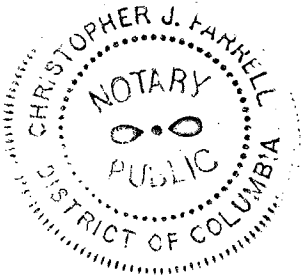
Washington, DC:

Jason B. Aldrich, being duly sworn, deposes and says that he represents Petitioner in the action, that he has read the within Petition, and that the contents thereof are true to his personal knowledge.

Jason Aldrich  
Jason B. Aldrich

Sworn to before me this  
4<sup>th</sup> day of November, 2010.

Christopher J. Farrell  
Notary Public







**Judicial  
Watch®**  
*Because no one  
is above the law!*

August 9, 2010

**VIA CERTIFIED MAIL & FAX**

The Office of the Mayor  
City Hall  
New York, NY 10007  
Fax: 212-788-8123

**Re: New York Freedom of Information Law Request**

Dear Sir/Madam:

Pursuant to the provisions of the New York Freedom of Information Law (FOIL), Public Officers Law, Article 6, § 84-90, Judicial Watch, Inc. requests from the Office of the Mayor access to and a copy of any and all record(s) within five (5) business days concerning or relating to the following:

- 1) All records of communication between the Office of the Mayor and Imam Feisal Abdul Rauf concerning the Cordoba Initiative's proposed Cordoba House Project.
- 2) All records of communication between the Office of Mayor Bloomberg and any of the following entities:
  - a) Council of American-Islamic Relations (CAIR);
  - b) Islamic Society of North America (ISNA);
  - c) International Institute of Islamic Thought (IIIT);
  - d) American Society for Muslim Advancement (ASMA);
  - e) American Arab Anti-Discrimination Committee (ADC); and/or
  - f) Muslim Public Affairs Council (MPAC)

**The time frame for this request is from January 1, 2009 to present.**

For the purposes of this request, the term "record" means any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes. Public Officers Law, § 86(4).

Custodian of Records  
NY FOIL Request  
August 9, 2010  
Page 2 of 2

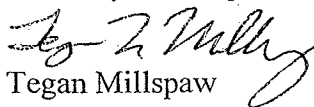
Within five (5) days of receipt of this request, you are required to grant or deny access to the requested documents in whole or in part, or if more time is needed, to acknowledge the receipt of the request in writing. Public Officers Law, § 89(3). If additional time is required to fulfill the request, the acknowledgement must include a reasonable approximate date within twenty business days indicating when it can be anticipated that the request will be granted or denied. Public Officers Law, § 89(3). Failure to respond within the allotted time will be considered a denial of the request. Public Officers Law, §89(4)(a).

Except with respect to records exempt from disclosure by express provision of law, you are also required to make the requested records promptly available up on payment of any fees covering direct costs of duplication or any applicable statutory fees. Any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law. Public Officers Law, § 87(2). If any portion of this request is withheld or denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed

State law specifies that the fees for the production of the documents are limited to the actual costs of the copies, which are limited to 25 cents per page. Public Officers Law, § 87(1)(b)(iii). Please notify us in advance if the expected cost is likely to exceed \$150.00.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5192 or [tmillspaw@judicialwatch.org](mailto:tmillspaw@judicialwatch.org).

Sincerely,

  
Tegan Millspaw

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4, if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **Foil Request**

**OFFICE OF THE  
MAYOR**

**CITY HALL  
NEW YORK NY**

**10007**

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent
- B. Received by (Printed Name)  Addressee
- C. Date of Delivery **2/28/10**
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

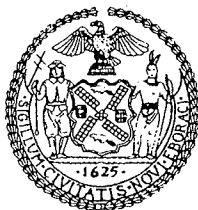
2. Article (Transit)

PS Form

**395-02-M-1540**  
**Mayor**







THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

ANTHONY W. CROWELL  
COUNSELOR TO THE MAYOR

August 19, 2010

Tegam Millspaw  
Judical Watch  
Suite 800  
425 Third Street  
Washington, DC 20024-3206

Dear Mr. Millspaw:

I write to acknowledge receipt of your Freedom of Information Law request received August 13, 2010 for:

“1) All records of communication between the Office of the Mayor and Imam Feisal Abdul Rauf concerning the Cordoba Initiative's proposed Cordoba House Project.

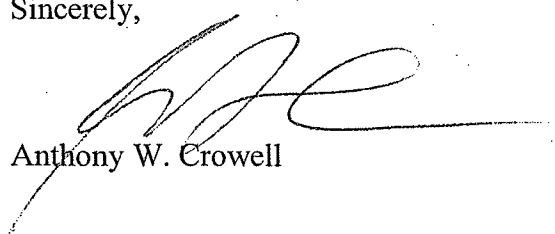
2) All records of communication between the Office of Mayor Bloomberg and any of the following entities:

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- b) Islamic Society of North America (ISNA);
- c) International Institute of Islamic Thought (IIIT);
- d) American Society for Muslim Advancement (ASMA);
- e) American Arab Anti-Discrimination Committee (ADC); and/or
- f) Muslim Public Affairs Council (MPAC)

The time frame...from January 1, 2009 to present.”

I am currently reviewing your request and expect to respond in twenty days informing you of the status of your request.

Sincerely,

  
Anthony W. Crowell





**Judicial  
Watch**<sup>®</sup>  
*Because no one  
is above the law!*

October 8, 2010

**VIA CERTIFIED US MAIL**

Anthony Crowell  
Counselor to the Mayor  
The City of New York  
Office of the Mayor  
City Hall  
New York, NY 10007  
(Article # 70101870000047398263)

**Re: FOIL Appeal**

Dear Mr. Crowell:

On August 9, 2010, Judicial Watch Inc. (hereafter "Judicial Watch") filed a Freedom of Information Law (hereafter "FOIL") request with the Office of the Mayor of the City of New York seeking the following:

- "1) All records of communication between the Office of the Mayor and Imam Feisal Abdul Rauf concerning the Cordoba Initiative's proposed Cordoba House Project.
- 2) All records of communication between the Office of Mayor Bloomberg and any of the following entities:
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  - c) International Institute of Islamic Thought (IIIT);
  - d) American Society for Muslim Advancement (ASMA);
  - e) American Arab Anti-Discrimination Committee (ADC); and/or
  - f) Muslim Public Affairs Council (MPAC).

The time frame for this request is from January 1, 2009 to present."

The request was acknowledged by Anthony Crowell, Counselor to the Mayor, in a letter dated August 19, 2010. The letter stated that the request was received in the Office of the Mayor on August 13, 2010, and was currently under review. Judicial Watch was also informed that the Office of the Mayor expected "to respond in twenty days informing you of the status of your request." (*See enclosed*). As of October 8, 2010, Judicial Watch has not received the requested records or a further update of the status of its request.

Office of the Mayor of the City of New York  
FOIA Appeal  
October 8, 2010  
Page 2 of 2

The Office of the Mayor's failure to release the requested records, or comply within the twenty day time frame referenced in its August 19<sup>th</sup> letter constitutes a constructive denial of Judicial Watch's request. Pursuant to Public Officers Law § 89(4)(a), Judicial Watch formally appeals this constructive denial and requests full access to the requested records immediately.

Sincerely,

  
Tegan Millspaw  
Judicial Watch



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

ANTHONY W. CROWELL  
COUNSELOR TO THE MAYOR

August 19, 2010

Tegam Millspaw  
Judical Watch  
Suite 800  
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Washington, DC 20024-3206

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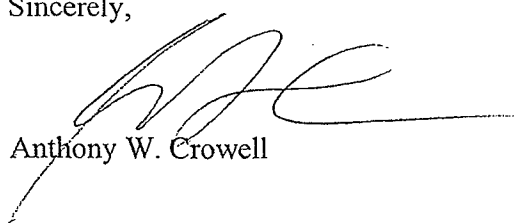
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- e) American Arab Anti-Discrimination Committee (ADC); and/or
- f) Muslim Public Affairs Council (MPAC)

The time frame...from January 1, 2009 to present.”

I am currently reviewing your request and expect to respond in twenty days informing you of the status of your request.

Sincerely,



Anthony W. Crowell

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 *T. End*  Addressee
- B. Received by (Printed Name)  Date of Delivery  
*T. End*  10/12/10
- D. Is delivery address different from item 1?  Yes  
 No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes  
 No

2. Article Number **7010 1870 0000 4739 8263** **949**  
 (Transfer from sender) **NY APP**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-W-1540