

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF STEUBEN

Montgomery Blair Sibley,

2019-1132cv

Petitioner,

Index No.: 2019-1132CV

vs.

**PROPOSED ORDER TO SHOW CAUSE**

Steuben County Pistol Permit Clerk,  
Steuben County Sheriff's Office and  
Licencing Officer Chauncey J. Watches,

Respondents.

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Upon reading and filing the Verified Petition of Montgomery Blair Sibley sworn to on August 9, 2019, and the exhibits attached to the Petition:

Let the Respondent Steuben County Pistol Permit Clerk, Respondent Steuben County Sheriff's Office and Respondent Licencing Officer Chauncey J. Watches show cause at Room \_\_\_\_\_, of this Court, to be held at the Courthouse, 3 E. Pulteney Square, Bath, N.Y. 14810, on the 9<sup>th</sup> day of September, 2019, at 10:00 o'clock in the fore noon or as soon as the parties to this proceeding may be heard why a judgment should not be issued providing the following relief:

- Adjudging and declaring that the denial of Sibley's FOIL requests by Respondents:
  - a. Was a failure to perform a duty enjoined upon them by law;
  - b. Was arbitrary and capricious;
  - c. Was an abuse of discretion;
  - d. Was in violation of Public Officers Law, Article 6; and

- e. Violated the Equal Protection clauses of the Federal and New York Constitutions;
- Directing Respondents to promptly provide the information requested by Sibley;
  - In the alternative, directing a trial of any triable issues raised by the pleadings and proof of the parties;
  - Awarding Sibley his *quantum meruit* legal fees and expenses incurred in preparing and prosecuting this Petition;
  - Retaining Jurisdiction to enforce its Orders if violated by the Respondents; and
  - Awarding such other and further relief as the Court may deem just and proper.

ORDERED: That sufficient cause appearing therefor, personal or U.S. Postal Service Priority Mail service of a copy of this order to show cause and the papers upon which it is granted upon Respondents: (i) Steuben County Pistol Permit Clerk, (ii) Steuben County Sheriff's Office and (iii) Licencing Officer Chauncey J. Watches, (or the attorney for respondents) on or before the 23<sup>rd</sup> day of August, 2019, shall be deemed good and sufficient service thereof. A copy of an affidavit or acknowledgment of service shall be filed with the Clerk of Court immediately after service and the original of such proof of service shall be presented to this court on the return date fixed above.

DATED at Bath, New York  
August 15, 2019

  
JSC Robert B. Wiggins