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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CROWN CASTLE NG EAST LLC,

Plaintiff,

-against-

THE CITY OF RYE and the CITY COUNCIL OF THE  
CITY OF RYE,

Defendants.

**17 CV 3535 VLB-PED**

**DECLARATION OF KRISTEN K.  
WILSON IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

**KRISTEN K. WILSON**, being duly sworn, declares as follows under penalty of perjury:

1. I am a partner in the law firm Blanchard & Wilson, LLP, and attorney for Defendants City of Rye and the City Council of the City of Rye (hereinafter referred to as the "City" or the "Defendants") in the above-referenced matter.

2. I submit this declaration upon direct knowledge and upon information and belief, the sources of which are my personal involvement in the defense of this matter, as well as my review of the file and all previous records that form the basis of this action.

3. This declaration is submitted in opposition to Plaintiff's Motion for a Preliminary Injunction filed on May 12, 2017. As further explained in Defendants' accompanying Memorandum of Law submitted herein, Plaintiff's motion is wholly unwarranted as Crown Castle NG East, LLC (hereinafter referred to as "Crown" or "Plaintiff") has: 1) failed to show irreparable harm; 2) failed to show a clear or substantial likelihood of success on the merits; 3) has not shown

that the equities tip decidedly in favor of Plaintiff; and 4) not shown that a preliminary injunction is in the public interest.

4. Although the City did enter a Right of Way Use Agreement (“RUA”) in 2011 for a few nodes, the City was not aware that another entity other than Crown, owned any of the equipment, and that Crown would return to the City and ask for 8 times the number of the original deployment at the time the RUA was signed.

5. Attached hereto as **Exhibit A** is a copy of letter from the City to Crown Castle dated October 6, 2016.

6. Attached hereto as **Exhibit B** is a copy of the staff recommendation submitted to the City Council and adopted by the City Council on April 19, 2017.

7. Attached hereto as **Exhibit C** is a copy of the report submitted by Ronald Graiff to the City Council dated April 19, 2017.

8. Attached hereto as **Exhibit D** is a copy of Crown Castle’s April 13, 2017 submission to the City Council titled “Crown Castle NG East LLC Supplemental Submission – Rye, New York DAS Expansion.”

**WHEREFORE**, it is respectfully submitted that the Complaint be dismissed in its entirety, with prejudice, together with such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York  
June 6, 2017

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Kristen K. Wilson, Esq.

