UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CROWN CASTLE NG EAST LLC

Plaintiff,

-against-

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

Defendants.

DECLARATION IN SUPPORT OF PLAINTIFF CROWN CASTLE NG EAST LLC'S MOTION FOR INJUNCTIVE RELIEF

DOCKET NO. 7:17-cv-03535

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ANDREW P. SCHRIEVER, under penalty of perjury, submits this declaration pursuant to 28 U.S.C. § 1746:

1. I am a member of Cuddy & Feder LLP, attorneys for Plaintiff Crown Castle NG East LLC ("Crown Castle"). I am fully familiar with the facts herein.

2. By this motion, Crown Castle seeks an injunction restraining Defendant the City of Rye ("Rye" or the "City") and the City Council of the City of Rye (the "City Council") (collectively, "Defendants") from terminating or attempting to terminate a February 17, 2011 Right of Way Use Agreement (the "RUA"). A true and accurate copy of the RUA is attached to the accompanying Affidavit of Peter Heimdahl as Exhibit B.

3. This motion is timely, because the parties agreed to extend the time within which Crown Castle could cure its purported breaches of the RUA until **May 12, 2017**. A true and accurate copy of the March 27, 2017 Amendment to Agreement Between Crown Castle NG East LLC and City of Rye, New York is attached hereto as **Exhibit 1**.

4. Given the exigency of the May 12, 2017 deadline and the imminence of Defendants' anticipated termination of the RUA, and for all of the reasons stated in the

accompanying Affidavit of Peter Heimdahl and in the Complaint filed in this action, it is critical that the *status quo* be maintained in order to prevent irreparable harm to Crown Castle by virtue of the Defendants' improper and anticipated termination of the RUA.

5. It is respectfully requested that this matter be expedited. To the extent that the Court requests counsel to appear for argument or a hearing, please note that I will be out of state from May 23rd to May 26th and respectfully request that the Court schedule around those dates for required attorney appearances.

Dated: White Plains, New York
May 12, 2017

ANDREW P. SCHRIEVER