

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. 6583 (WHP)

**DECLARATION OF MICHAEL G.
MURPHY IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

DECLARATION OF MICHAEL G. MURPHY

I, Michael G. Murphy, hereby declare as follows:

1. I am a member of the bar of the State of New York and an attorney in the firm Beveridge & Diamond, P.C., counsel for Plaintiffs Consumer Electronics Association ("CEA"), Information Technology Industry Council ("ITI"), and ITAC Systems, Inc. ("ITAC").

2. I submit this declaration based on my personal knowledge in support of Plaintiffs' motion for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure.

3. This action concerns the New York City "Electronic Equipment Collection, Recycling and Reuse" Law ("E-Waste Law") and the rules promulgated

thereunder (“E-waste Rules”). The E-waste Rules were issued by the New York City Department of Sanitation (“DSNY”) on April 15, 2009.

4. Plaintiffs seek preliminary injunctive relief to prevent the irreparable injury to Plaintiffs as described in detail in Plaintiffs’ memorandum of law and the accompanying declarations.

5. No prior request for the relief sought herein has been made.

6. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint in the above-captioned matter.

7. Attached hereto as Exhibit 2 is a true and correct copy of an article authored by Ray Rivera titled, “Mayor Calls Electronics Recycling Bill ‘Illegal’” published on the New York Times Online on February 15, 2008.

8. Attached hereto as Exhibit 3 is a true and correct copy of New York City Local Law 13 of 2008.

9. Attached hereto as Exhibit 4 is a true and correct copy of New York City Local Law 21 of 2008.

10. Attached hereto as Exhibit 5 is a true and correct copy of DSNY’s Notice of Adoption of Final Rules Governing Electronic Equipment Collection, Recycling and Reuse, dated April 15, 2009.

11. Attached hereto as Exhibit 6 is a true and correct copy of an internal DSNY memorandum from Steven Brautigam to Robert Orlin, dated May 7, 2009, regarding a CEQR Type II Determination concerning Proposed Rules Implementing Local Law 13 of 2008 with respect to E-waste Collection.

12. Attached hereto as Exhibit 7 is a true and correct copy of the original transcript of the DSNY Public Hearing and Opportunity to Comment on Proposed Rules Governing Electronic Equipment Collection, Recycling and Reuse held on October 21, 2008.

13. Attached hereto as Exhibit 8 is a true and correct copy of CEA's Comments, dated October 31, 2008, submitted to the DSNY on the Proposed Rules Governing Electronic Equipment Collection, Recycling and Reuse.

14. Attached hereto as Exhibit 9 is a true and correct copy of ITI's comments, dated October 31, 2008, submitted to the DSNY regarding the Proposed Rules Governing Electronic Equipment Collection, Recycling and Reuse.

15. Attached hereto as Exhibit 10 is a true and correct copy of DSNY's "Frequently Asked Questions About Electronics" page as it appeared on its website on July 17, 2008.

16. Attached hereto as Exhibit 11 is a true and correct copy of DSNY's "Frequently Asked Questions About Electronics" page as it appeared on its website on July 28, 2008.

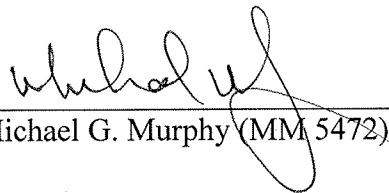
17. Attached hereto as Exhibit 12 is a true and correct copy of DSNY's Electronic Waste Management Plan Submission Forms.

18. Attached hereto as Exhibit 13 is a true and correct copy of Plaintiffs' Freedom of Information Law ("FOIL") request for Documents Concerning Weight Threshold Requirements Set Forth for Covered Electronic Equipment in the Department's Rules Governing Electronic Equipment, Collection, Recycling and Reuse, dated May 29, 2009, and DSNY's response to that FOIL request, dated July 8, 2009.

19. Attached hereto as Exhibit 14 is a true and correct copy of the Negative Declaration issued by the Council of the City of New York pursuant to the City Environmental Quality Review, dated March 11, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 7th day of August 2009 at New York, New York


Michael G. Murphy (MM 5472)