

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

**CELLCO PARTNERSHIP, d/b/a
VERIZON WIRELESS,**

Plaintiff,

- against -

**Communications Workers of America;
Larry Cohen, in his capacity as President
of and Representative of the Members of
Communications Workers of America;
Communications Workers of America
Local 1101; Joseph Connolly, in his
capacity as President of and
Representative of the Members of
Communications Workers of America
Local 1101 and "John Does" (names
being fictitious, some of whom are
unknown to plaintiff, all of persons being
members of Communications Workers of
America or acting in concert with them),**

Defendants.

Index No. 109 277/11

STIPULATION AND ORDER

So Ordered:


Hon. Joan M. Kenney
J.S.C.

IT IS HEREBY STIPULATED AND AGREED UPON between the parties that each and every one of the Defendants in this action, their agents, members, servants, consultants, officers, directors, attorneys, affiliates, successors and assigns, and any other individual or entity within their control or supervision and all other persons or entities acting in concert with them or on their behalf or participating with them, are enjoined until further Order of Court from, directly or indirectly:

- a. Interfering with the business activities of Plaintiff ("Verizon Wireless"), its officers, agents, employees, representatives and others seeking to enter or

exit any Verizon Wireless facility or to use any adjacent parking lot by threatening, obstructing, intimidating, or harassing;

- b. Engaging in physical violence or vandalism of any nature;
- c. Picketing closer than 15 feet from any entrance to or exit from any Verizon Wireless facility unless the area in front of such entrance does not safely permit such 15 foot distance; in such case, picketing shall be as far away as safety permits; provided, however, any law enforcement agency, in the interests of public safety, may move the pickets to locations less than fifteen (15) feet or greater than fifteen (15) from the facility's entrance.
- d. Picketing a Verizon Wireless facility in numbers greater than those set out below:
 - i. at office facilities and call centers:
 - No more than 6 pickets with 1-25 employees
 - No more than 10 pickets with 26-50 employees
 - No more than 15 pickets with 51-100 employees
 - No more than 30 pickets with 101-300 employees
 - No more than 65 pickets with 501-700 employees
 - No more than 75 pickets with 701-900 employees
 - No more than 100 pickets with 901-1100 employees
 - No more than 150 pickets with 1101 or more employees.
 - ii. at retail stores in the counties in New York other than the counties referred to in (iv) below, fifteen (15) pickets and one person

handing out printed material at the store entrance;

- iii. at stand-alone retail stores, no more than fifteen (15) pickets in total, and no pickets may patrol in the roadbed or driveway;
- iv. at retail stores in the five boroughs of New York City, Nassau County, Suffolk County, Westchester County and Rockland County, no more than ten (10) pickets and one person handing out printed material at the stores' entrances;
- v. at cell sites and ambulatory picketing sites, no more than five pickets at a distance of fifteen (15) feet; and
- vi. at Kiosks located in shopping malls, no more than two (2) pickets at a distance of fifteen (15) feet;

e. Loitering, grouping or congregating in any manner at any location within 15 yards of a Verizon Wireless facility; provided however, this provision shall not be interpreted to prohibit gathering in another enclosed facility not owner or controlled by Verizon Wireless;

f. Entering or remaining inside a Verizon Wireless facility for any reason other than engaging in legitimate business as a customer of Verizon Wireless;

g. Blocking or hindering, in any manner whatsoever, including by patrolling, walking, standing or lying at entrances to or exits from Verizon Wireless' facilities, in

order to prevent ingress or egress, or to block the flow of traffic entering and leaving Verizon's facilities; and

h. Instigating or inducing others to do any one or more of the foregoing acts;
and

IT IS FURTHER STIPULATED AND AGREED THAT:

1. The terms of this Stipulation and Order shall apply throughout the State of New York.
2. This Court will retain jurisdiction over this matter to determine whether this Order has been obeyed.
3. Plaintiffs' motion by order to show cause for a preliminary injunction is hereby deemed withdrawn without prejudice to its renewal. This Stipulation and Order shall remain in effect for 6 months; however, either party, however, upon forty-eight (48) hours notice to all parties, may petition the court for an Order to modify, amend or dissolve this Stipulation and Order, with any hearing necessitated by such request being held within five (5) days after such request by either party.
4. By executing this Stipulation and Order, no party waives, and each party specifically preserves any and all rights, defenses and arguments that either may raise during future labor disputes not involving the current collective bargaining negotiations. Moreover, no party waives any rights it

may possess to argue in favor of or against the appropriateness of the Stipulation and Order entered by this Court in any such future disputes.

5. Defendants shall have an indefinite extension of time within which to file an appropriate response to the Verified Complaint. Counsel for Defendants acknowledges that it has accepted service of the Summons and Verified Complaint on behalf of all Defendants.
6. Defendants shall take immediate steps to notify their agents, members, servants, consultants, officers, directors, attorneys, affiliates, successors, and assigns and any other individual or entity within their control and supervision and all other persons acting in concert with them or on their behalf or participating with them to advise such persons of the entry and terms of this Order, including providing a copy of this Order, and advising of the requirement that its terms be fully complied with effective immediately.

7. The parties enjoined by this Stipulation and Order are not prohibited, directly or indirectly, from exercising any of the rights set out in Appendix A ("Preserved Rights") to this Stipulation and Order.

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So Ordered this 12th day
Of August, 2011

J.S.C.

Appendix A – Preserved Rights

- (1) Ceasing or refusing to perform any work or to remain in any relation of employment;
- (2) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any agreement, undertaking or promise;
- (3) Paying or giving to, or withholding from, any person any strike or unemployment benefits or insurance or other moneys or things of value;
- (4) By all lawful means aiding any person who is being proceeded against in, or is prosecuting any action or suit in any court of the United States or of any state;
- (5) Giving publicity to and obtaining or communicating information regarding the existence of, or the facts involved in, any dispute, whether by advertising, speaking, picketing, patrolling any public street or any place where any person or persons may lawfully be, or by any other method not involving fraud, violence or breach of the peace;
- (6) Ceasing to patronize or to employ any person or persons;
- (7) Assembling peaceably to do or to organize to do any of the acts heretofore specified or to promote lawful interests;
- (8) Advising or notifying any person or persons of any intention to do any of the acts heretofore specified;
- (9) Agreeing with other persons to do or not to do any of the acts heretofore specified;

(10) Advising, urging or inducing without fraud, violence or threat thereof, others to do the acts heretofore specified;

(11) Doing in concert of any or all of the acts heretofore specified on the ground that the persons engaged therein constitute an unlawful combination or conspiracy or on any other grounds whatsoever.