

13. On October 25, 2018, all parties in the "Free Air Law" litigation signed a Stipulation of Discontinuance. A copy of said Stipulation is attached hereto as Exhibit 5.

Prelude to the Settlement of "Free Air Law" Litigation

14. On January 2, 2018, Supreme Court Judge Karen V. Murphy issued an injunction of the Town's "Free Air Law". A copy of said injunction is attached hereto as Exhibit 6.
15. The injunction was issued because the court decided the Plaintiffs were likely to prevail on the merits of their third cause of action as pled in their second amended complaint which alleged that the Town's "Free Air Law" preempted New York State GBL 396-X. The Plaintiff's third cause of action is attached hereto as Exhibit 7.
16. Said injunction, in pertinent part, states the following :

Accordingly, it is this Court's determination to issue an injunction against the Town's enforcement of Resolution 345-2017 that amends BZO 336.G(3) pending the determination of this action based upon plaintiffs' third cause of action as pled in the second amended complaint. Thus, the Court does not reach plaintiffs' additional claims.