

**Memorandum of Law In Support of Proposed Intervenor Police Benevolent Association, In the Application for a Judicial Determination as to the publication of Volumes 2 and 3 of the Meyer Report before the Honorable Patrick H. NeMoyer, State of New York Supreme Court, County of Wyoming.**

STATE OF NEW YORK  
SUPREME COURT, COUNTY OF WYOMING

In the Matter of the Application of HUGH L. CAREY,  
Governor of the State of New York and LOUIS J.  
LEFKOWITZ, Attorney General of the State of New  
York,  
for a judicial determination as to the publication  
of VOLUMES 2 and 3 of the Final Report of  
Bernard S. Meyer, Special Deputy Attorney General,  
evaluating the conduct of the investigation by the  
Special Prosecutor into the retaking of the Attica  
Correctional Facility on September 13, 1971, and  
related events subsequent thereto.



Index No. 15062

**MEMORANDUM OF LAW IN SUPPORT OF PROPOSED  
INTERVENOR'S MOTION TO INTERVENE AND IN  
OPPOSITION TO THE OBJECTION OF VOLUMES 2 AND 3  
OF THE MEYER REPORT**

Pursuant to Rule 1017 (a) (2) of the Civil Practice Law and Rules, the Police

Benevolent Association of the New York State Troopers, Inc., moves to intervene as of right in  
this action and, in the alternative, permissively intervene pursuant to Rule 1012 of the Civil  
Practice Law and Rules. In so doing, the proposed intervenor satisfies the requirements  
both for intervention as of right and for permissive intervention and respectfully requests that it  
be permitted to intervene as an interested party in the above-captioned matter.

In the context herein, the proposed intervenor opposes the publication of Volumes 2 and 3 of  
the Meyer Report in that the state has failed to demonstrate a compelling and particularized need  
for the publication of these volumes. In this regard, the state has not established that historical  
significance, the passage of time and the conclusion of all Action litigation justifies publication of  
Volumes 2 and 3 under the compelling and particularized need standard.

Memorandum of Law in Support of Proposed Intervenor's Motion to Intervene, In the Matter of the Application of Hugh L. Carey, Governor of the State of New York and Louis J. Lefkowitz, Attorney General of the State of New York, for a judicial determination as to the publication of Volumes 2 and 3 of the Final Report of Bernard S. Meyer, Special Deputy Attorney General, evaluating the conduct of the Investigation by the Special Prosecutor into the retaking of Attica Correctional Facility on September 13, 1971, and related events subsequent thereto. The Notice is dated January 10, 2014 and signed by Stephen G. DeNigris, Counsel to Intervenor Police Benevolent Association of the New York State Troopers.

**Identifier**

NYSA\_W0100-21\_00019984

**Alternate Identifier**

**Case Files:** 15062

**Source**

"New York State Department of Law special investigation files relating to the Attica uprising, circa 1971-2001. W0100-21."

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