

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

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In the matter of the application of
PETER MADDOCKS,

Index No.:

VERIFIED PETITION

Petitioner,

-against-

McFADDEN'S RESTAURANT & SALOON,

Respondent.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

The petition of PETER MADDOCKS, by his attorney, SHELDON J. TASHMAN respectfully shows this Court:

1.) I am the attorney for the petitioner, who was seriously injured on August 9, 2013 when he was caused to burned by a bartender blowing fire shots into the crowd on the defendant's premises located at McFADDEN'S RESTAURANT & SALOON premises located at 800 2nd Avenue, New York, New York 10017. No lawsuit has been commenced to date.

2.) This proceeding seeks an order directing the McFADDEN'S RESTAURANT & SALOON to abstain from destroying any and all surveillance videos and/or photographs and/or recordings at the McFADDEN'S RESTAURANT & SALOON premises located at 800 2nd Avenue, New York, New York 10017 from August 9, 2013 and the petitioner is granted access to inspect and/or view such surveillance videos and/or photographs and/or recordings and preserve and furnish all the material that is sought

from the respondent and is stayed from destroying any of the materials and records sought by the petitioner in this application.

3.) The above mentioned requests are material and necessary to the prosecution of said action and it necessary that said surveillance materials be preserved and/or untouched by this Court to protect the rights of the petitioner. Petitioner requires an inspection and the aforementioned materials so as to form a complaint, if any in this matter.

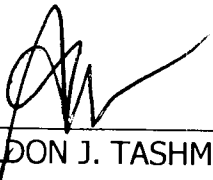
4.) This application is being made by Order to Show Cause because upon information and belief, the surveillance videos and/or photographs and/or recordings recorded and/or photographed the aforementioned accident and as such it is imperative for such materials to be preserved. Moreover, in order for plaintiff to prove his case it is essential that such materials be preserved. Respondent would not be harmed by abstaining from destroying any and all surveillance videos and/or photographs and/or recordings until the petitioner is granted access to inspect and/or view such materials and preserving and providing such materials that are sought from the respondent. Petitioner would be irreparably damaged if such a request is not granted.

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

WHEREFORE, petitioner requests that the Court order the respondent from destroying any and all surveillance videos and/or photographs and/or recordings at the McFADDEN'S RESTAURANT & SALOON premises located at 800 2nd Avenue, New York, New York 10017 from August 9, 2013 and the petitioner is granted access to inspect

and/or view such surveillance videos and/or photographs and/or recordings and preserve and furnish all the material that is sought from the petitioner and is stayed from destroying any of the materials and records sought by the petitioner in this application and granting such other and further relief as to this Court may seem just and proper.

Dated: New York, New York
August 28, 2013



SHELDON J. TASHMAN, ESQ.

At an IAS Part of the Supreme Court of the State of New York, held in and for New York County at 60 Centre Street, New York, New York on the _____ day of _____, 2013.

Present: Justice _____
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Index No.:

In the matter of the application of
PETER MADDOCKS,

ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINT

Petitioner,

-against-

McFADDEN'S RESTAURANT & SALOON,

Respondent.

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Upon the petition of SHELDON J. TASHMAN, verified August 28, 2013, Let the respondent or their attorney show cause at an IAS Part _____, Room _____ of this Court to be held at the Courthouse located at 60 Centre Street, New York, New York on the _____ day of _____, 2013 at 9:30 a.m, or soon thereafter as counsel can be heard, why an order should not be made and entered pursuant to C.P.L.R. 3102(c) of the Civil Practice Law and Rules commanding and directing respondent to:

- 1.) Abstain from destroying any and all surveillance videos and/or photographs and/or recordings at the McFADDEN'S RESTAURANT & SALOON, premises located at 800 2nd Avenue, New York, New York 10017 from August 9, 2013 until the petitioner is granted access to inspect and/or view such surveillance videos and/or photographs and/or recordings.
- 2.) Preserve and furnish to the petitioner any and all surveillance videos and/or

photographs and/or recordings at the McFADDEN'S RESTAURANT & SALOON premises located at 800 2nd Avenue, New York, New York 10017 from August 9, 2013; and

Sufficient cause being alleged therefore, let service of a copy of this order with the papers upon which it is granted upon the respondent on or before _____ by personal service upon the McFADDEN'S RESTAURANT & SALOON be sufficient.

ORDERED that pending the hearing of this application, the McFADDEN'S RESTAURANT & SALOON be and is hereby ordered to abstain from destroying any and all surveillance videos and/or photographs and/or recordings at the McFADDEN'S RESTAURANT & SALOON premises located at 800 2nd Avenue, New York, New York 10017 from August 9, 2013.

Submitted by:



SHELDON J. TASHMAN, ESQ.

E N T E R:

J.S.C.