

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M281445  
E/sl

ROBERT J. MILLER, J.P.  
LINDA CHRISTOPHER  
JOSEPH A. ZAYAS  
WILLIAM G. FORD, JJ.

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2021-09551

DECISION & ORDER ON MOTION

Project Veritas, respondent,  
v New York Times Company, appellant,  
et al., defendants.

(Index No. 63921/2020)

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Appeal from an order of the Supreme Court, Westchester County, dated December 23, 2021. Motion by the appellant for leave to appeal to this Court from the order, and to stay enforcement of the order pending hearing and determination of the appeal or, in the alternative, to vacate the order. Motion by First Amendment Lawyers Association, separate motion by American Civil Liberties Union, New York Civil Liberties Union, and National Coalition Against Censorship, and separate motion by Reporters Committee for Freedom of the Press, Advance Publications, Inc., American Broadcasting Companies, Inc., Associated Press, Bloomberg News, Boston Globe Media Partners, LLC, BuzzFeed, Californians Aware, CBS Broadcasting, Inc., Center for Investigative Reporting, Committee to Protect Journalists, Courthouse News Service, Daily Beast, Daily News, L.P., Dotdash Meredith, Inc., Dow Jones & Company, E.W. Scripps Company, First Amendment Coalition, First Look Institute, Inc., Forbes Media, LLC, Free Press, Freedom of the Press Foundation, Fundamedios, Inc., Gannett, Hearst, Inter American Press Association, International Documentary Association, Investigative Reporting Workshop, Los Angeles Times Communications, LLC, McClatchy Company, LLC, Media Institute, Media Law Resource Center, Inc., Mother Jones, MPA-Association of Magazine Media, National Newspaper Association, National Press Club Journalism Institute, National Press Club, National Press Photographers Association, NBCUniversal Media, LLC, New England First Amendment Coalition, New England Newspaper and Press Association, Inc., New York Magazine, New Yorker, News Leaders Association, New Media Alliance, Newsday, LLC, New Guild-CWA, Online News Association, Open Vallejo, POLITICO, ProPublica, Pulitzer Center on Crisis Reporting, Radio Television Digital News Association, Reuters, Seattle Times Company, Society of Environmental Journalists, Student Press Law Center, TIME, Tribune Publishing Company, Tully Center for Free Speech, VICE Media, Washington Post, WNET, Vox Media, LLC, for leave to file amici curiae briefs. Separate motions by Elizabeth M. Locke, Andrew Clay Phillips, Stephen R. Klein, attorneys in good standing in the District of Columbia, to be admitted pro hac vice to represent the respondent on the appeal.

February 9, 2022

Page 1.

PROJECT VERITAS v NEW YORK TIMES COMPANY

Upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, and upon the papers filed in support of the motions for leave to file amici curiae briefs and to be admitted pro hac vice, and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branch of the appellant's motion which is for leave to appeal is denied as unnecessary as the order is appealable as of right (*see* CPLR 5701); and it is further,

ORDERED that the branch of the appellant's motion which is to stay enforcement of the order pending hearing and determination of the appeal is granted, and enforcement of the order is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before March 11, 2022; and it is further,

ORDERED that in the event the appeal is not perfected on or before March 11, 2022, the Court, on its own motion, may vacate the stay, without further notice, or the respondent may move to vacate the stay, on three days notice; and it is further,

ORDERED that the branch of the appellant's motion which is to vacate the order is denied; and it is further,

ORDERED that the motions for leave to file amici curiae briefs are granted, the amici curiae shall serve and file their respective briefs on the parties, via NYSCEF on or before March 11, 2022, and, if so advised, each party may file a reply brief to the amici curiae briefs within 30 days after the amici curiae briefs are served; no oral argument by the amici curiae shall be permitted; and it is further,

ORDERED that the motions to be admitted pro hac vice are granted.

MILLER, J.P., CHRISTOPHER, ZAYAS and FORD, JJ., concur.

ENTER: 

Maria T. Fasulo  
Clerk of the Court