

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Julian Marcus Raven,

Plaintiff,

V.

#26-cv-6561-MAV

City of Elmira, Gary Brinn, et al.,

Defendants.

**PLAINTIFF'S EMERGENCY NOTICE OF SUPPLEMENTAL DIRECT
EVIDENCE IN SUPPORT OF PLAINTIFF'S RENEWED EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiff respectfully submits this Emergency Notice of Supplemental Evidence to advise the Court of additional evidence that became available following the filing of Plaintiff's Renewed Emergency Motion for Temporary Restraining Order and Preliminary Injunction.

This supplemental evidence was not previously available to Plaintiff and bears directly upon Plaintiff's allegations of continuing retaliation, ongoing irreparable harm, and the necessity of prospective equitable relief.

Most significantly, the newly discovered communications appear to provide additional context concerning Defendant Brinn's publicly stated purpose behind the proposed FOIL resolution. In communications attached as Exhibits A through D, Defendant Brinn is represented as stating that the proposal was intended to address requests made by "a handful of nuisance agitators," expressly identifying Plaintiff by name, and further stating that "public shaming plays a role." These statements are probative because they tend to corroborate Plaintiff's allegation that the proposed publication of FOIL requesters' identities was not merely an administrative transparency measure, but was intended, at least in part, to publicly expose, deter, and hold accountable identifiable citizens—including Plaintiff—for engaging in constitutionally protected activities, including submitting FOIL requests, petitioning government, criticizing public officials, and pursuing judicial relief. These communications therefore bear directly upon Plaintiff's pending request for prospective injunctive relief by providing additional evidence relevant to alleged retaliatory motive, continuing irreparable harm, and the ongoing nature of the constitutional controversy presently before this Court.

This supplemental evidence further reinforces Plaintiff's contention that the facts of this case are increasingly analogous to the retaliatory municipal conduct discussed by the Supreme Court in *Lozman v. City of Riviera Beach*, where the Court recognized that objective evidence of official municipal action directed toward a government critic may support a First Amendment retaliation claim.

I. Newly Discovered Evidence

Over the weekend following the filing of Plaintiff's Renewed Motion, local resident Aiden Yontz publicly released screenshots depicting what are represented to be written communications authored by Defendant Gary Brinn concerning Plaintiff, Plaintiff's FOIL requests, and the proposed municipal FOIL resolution.

Copies of those screenshots are attached as:

Exhibit A, Exhibit B, Exhibit C, Exhibit D

Plaintiff submits these materials solely for the Court's consideration as additional evidence relevant to Plaintiff's pending request for emergency equitable relief.

II. Relevance

The communications materially strengthen Plaintiff's contention that Defendant Brinn's proposed FOIL resolution was directed toward Plaintiff's protected constitutional activity.

Among other statements attributed to Defendant Brinn are the following:

"We are pulling the FOIL resolution, though we are still exploring how to hold the handful of nuisances like non-resident Julian Raven accountable for wasting taxpayer money."

In another communication attributed to Defendant Brinn, Defendant allegedly states:

"...yes, it was intended to control the soaring costs of frequent and overly broad requests made by a handful of nuisance agitators."

The communications further state:

"...public shaming plays a role."

Plaintiff respectfully submits that these statements, if authentic, are relevant because they identify Plaintiff by name, characterize Plaintiff's constitutionally protected activities in derogatory terms, acknowledge that the proposed governmental action was directed toward a small group of identifiable individuals,

and expressly contemplate the use of public exposure or "public shaming" as part of the governmental response.

III. Relation to the Pending Motion

Plaintiff's Renewed Motion argues that newly arisen events occurring after the Court's prior denial of emergency relief demonstrate continuing retaliation by Defendant Gary Brinn, who is already a named Defendant in this action.

These newly discovered communications provide additional context concerning Defendant Brinn's publicly stated justification for the proposed FOIL resolution and bear directly upon Plaintiff's allegations regarding retaliatory motive and continuing constitutional injury.

The supplemental evidence is offered not as a separate cause of action but as additional factual material relevant to:

- Plaintiff's request for prospective equitable relief;
- continuing irreparable harm;
- alleged retaliatory motive;
- the ongoing nature of the constitutional controversy presently before this Court

IV. Request

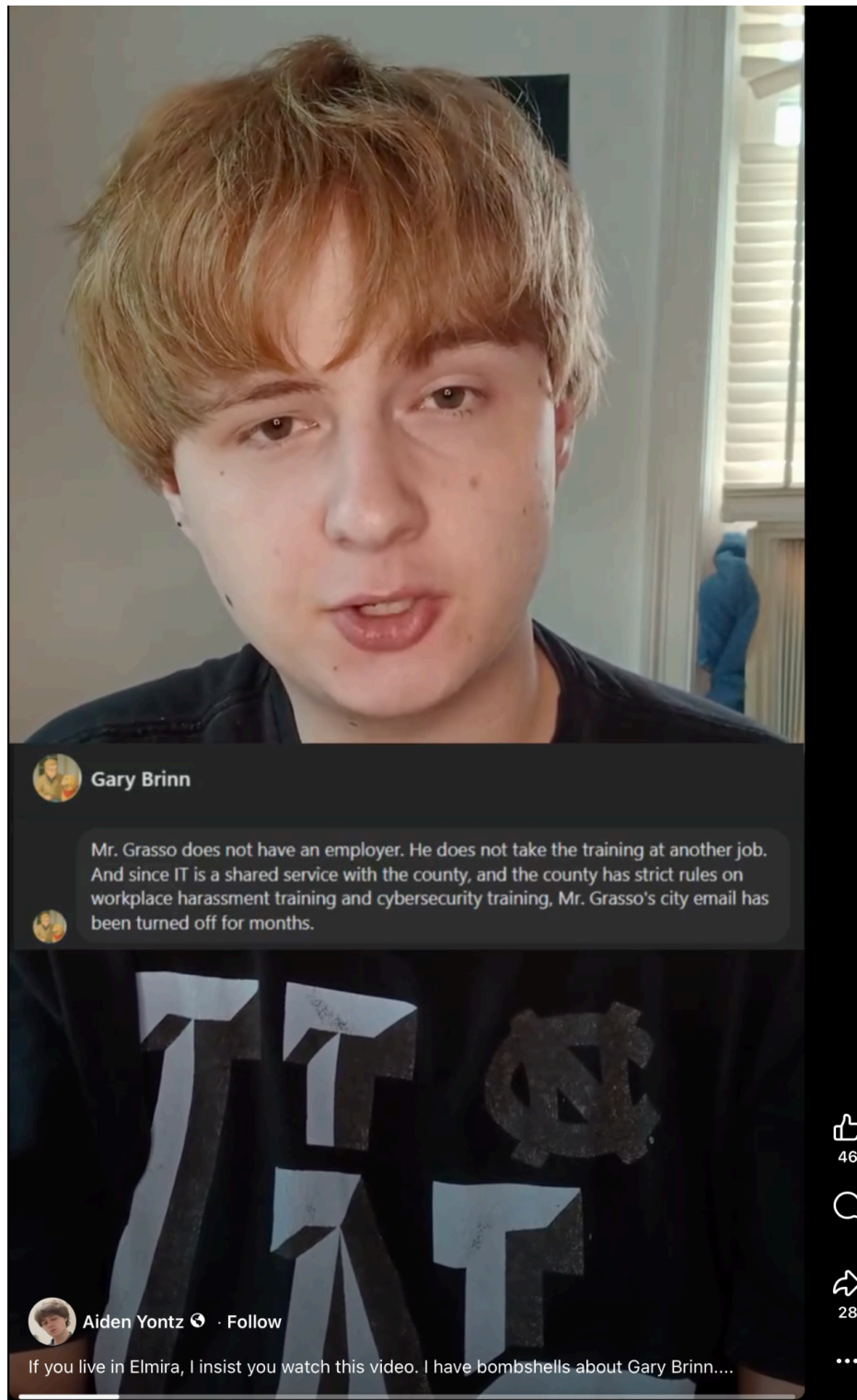
Plaintiff respectfully requests that the Court accept this Supplemental Notice and the attached Exhibits A through D as part of the record in connection with Plaintiff's pending Renewed Emergency Motion for Temporary Restraining Order and Preliminary Injunction.

Respectfully submitted,

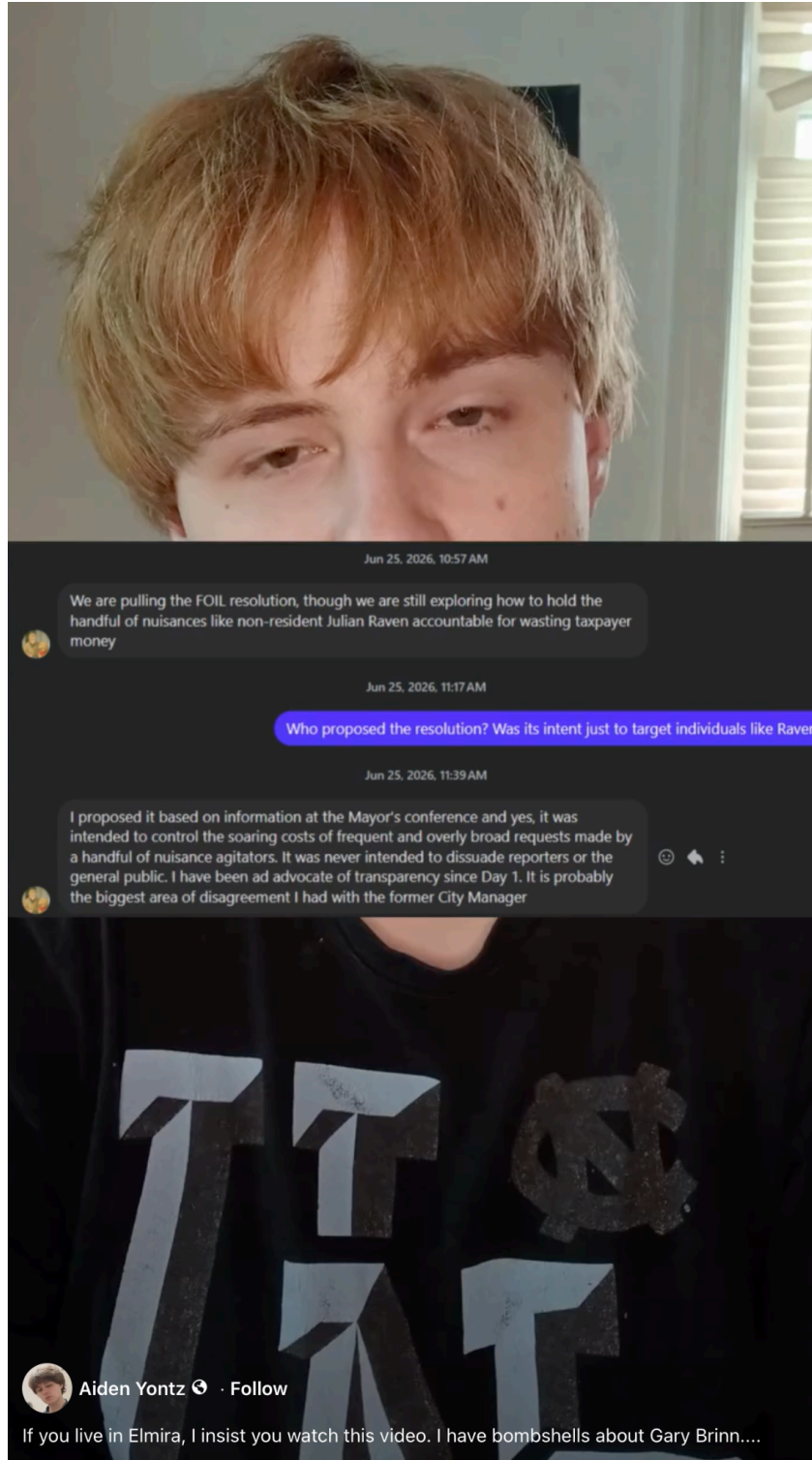
A handwritten signature in blue ink, appearing to read "Julian Raven", with a large, stylized flourish extending from the bottom.

Julian Raven, pro se
714 Baldwin St.
Elmira,
New York, 14901
607-426-0029
julianamarcusraven@gmail.com
July 6, 2026

EXHIBIT A

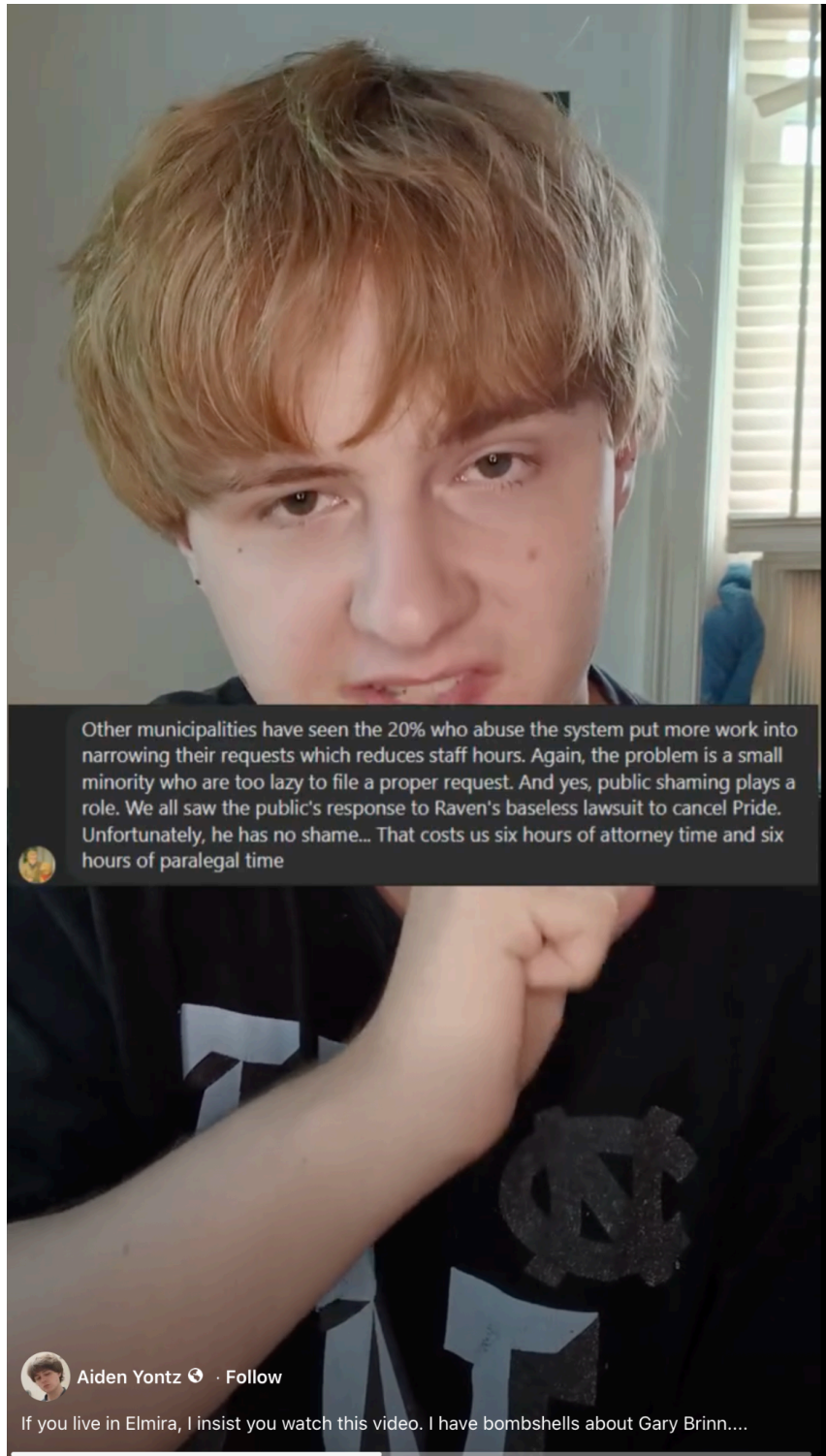


<https://www.facebook.com/share/v/1BqUw46b9r/>
EXHIBIT B



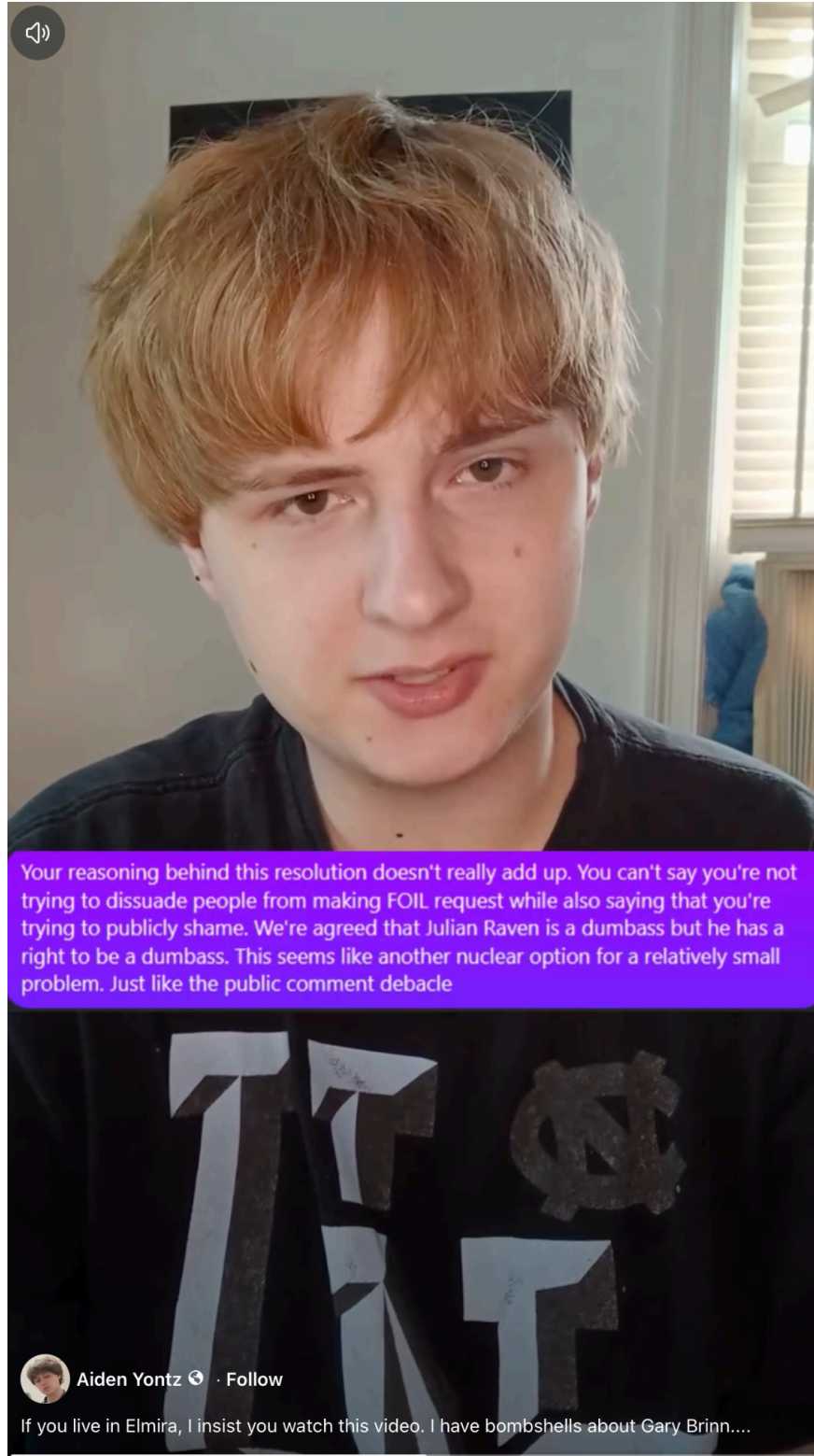
<https://www.facebook.com/share/v/1BqUw46b9r/>

EXHIBIT C



<https://www.facebook.com/share/v/1BqUw46b9r/>

EXHIBIT D



<https://www.facebook.com/share/v/1BqUw46b9r/>

CERTIFICATE OF SERVICE

I, Julian Raven, certify under penalty of perjury that on June 25, 2026, I served a true and correct copy of the foregoing Notice of Appeal and Motion for Injunction Pending Appeal, upon counsel for Defendants-Appellees by first class mail and electronic mail.

Kevin G. Cope, Esq.
Bond, Schoeneck & King, PLLC

Daniel J. Pautz, Esq.
Bond, Schoeneck & King, PLLC

200 Delaware Ave # 900, Buffalo, NY 14202



Julian Raven
Plaintiff-Appellant, Pro Se
714 Baldwin St.
Elmira, New York,
14901
607-426-0029
julianmarcusraven@gmail.com
July 6, 2026