

Senator Patrick M. Gallivan (R-C-I, Elma) is part of a lawsuit filed in State Supreme Court seeking a temporary restraining order and a preliminary injunction against the so-called restaurant curfew, which requires bars and restaurants to close at 10:00 P.M. More than 100 Erie County bars and restaurants are also named as plaintiffs in the lawsuit.

Senator Gallivan, who has repeatedly called on the state legislature to restore the balance of power related to the state's COVID-19 policies, says the lawsuit challenges the governor's unilateral control of New York's pandemic response.

"I am participating in this lawsuit because I believe the Governor is exceeding the authority granted to him by the Legislature in extending directives, such as the restaurant curfew, beyond 30-days without first having the Legislature approve the extension," Gallivan said. "The Governor's authority to issue such directives is not unlimited. We need to restore our system of checks and balances in state government."

The lawsuit states that while the Legislature did grant the Governor the power to issue directives to deal with the COVID-19 crisis in March 2020, it included important limitations.

Restaurant and bar owners say the 10 P.M. curfew is arbitrary and has harmed their businesses financially.