

At the Supreme Court of the State of New York, held in and for the County of Orange, at the Courthouse Located at 285 Main Street, Goshen, New York, on the 12th day of May, 2023.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

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In the Matter of the Application of THE COUNTY OF ORANGE, STEVEN M. NEUHAUS, in his capacity as County Executive of the County of Orange, ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES, and DARCIE M. MILLER, in her capacity as Commissioner of the Orange County Department of Social Services,

Petitioners-Plaintiffs,

-against-

THE CITY OF NEW YORK, ERIC ADAMS, in his capacity as Mayor of the City of New York, and MOLLY WASOW PARK, in her capacity as Commissioner of the New York City Department of Social Services, NEWBURGH EOM LLC, d/b/a The Crossroads Hotel - Newburgh, and RATAN NEWBURGH LLC, d/b/a Ramada by Windham Newburgh/West Point,

Respondents-Defendants,

And

NEW YORK STATE OFFICE OF TEMPORARY DISABILITY AND ASSISTANCE,

Nominal Respondent-Defendant

For a Judgment pursuant to Article 78 and for a Declaratory Judgment under Article 30 of the Civil Practice Law and Rules.

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Upon the affirmation of Anthony F. Cardoso, Esq., dated the 12th day of May, 2023, and the combined petition and complaint dated the 12th day of May 2023, together with the exhibits attached to this Order to Show Cause and notice pursuant to Rule 202.7(f) of the New York Rules of Court,

Index No.: EF003109-2023

**ORDER TO SHOW
CAUSE WITH
TEMPORARY
RESTRAINTS**

LET The City of New York, Eric Adams in his capacity as Mayor of the City of New York, and Molly Wasow Park in her capacity as the Acting Commissioner of the New York City Department of Homeless Services for the City of New York, Newburgh EOM LLC, d/b/a The Crossroads Hotel - Newburgh, Ascend Hotel Collection, Ratan Newburg LLC, d/b/a Ramada by Wyndham Newburgh/West Point, Respondents-Defendants herein, show cause before this Court at the Courthouse located at Orange County Courthouse, 285 Main Street, Goshen, New York on the 9th day of June, 2023, at 9:15AM in the forenoon or as soon thereafter as the parties can be heard, why an Order should not be made and entered:

(1) Pursuant to CPLR 6301 et seq., granting a preliminary injunction during the pendency of this action, restraining and enjoining Respondents-Defendants, The City of New York, Eric Adams in his capacity as Mayor of the City of New York, and Molly Wasow Park in her capacity as the Acting Commissioner of the New York City Department of Homeless Services for the City of New York, Newburgh EOM LLC, d/b/a The Crossroads Hotel - Newburgh, Ascend Hotel Collection, Ratan Newburg LLC, d/b/a Ramada by Wyndham Newburgh/West Point through its agents, servants, representatives and employees, from transporting any further homeless adult individuals residing in a temporary shelter in New York City to hotels within Orange County, including but not limited to the Crossroads Hotel - Newburgh, and/or the Ramada by Wyndham Newburgh/West Point; and

(2) Granting such other and further relief as to this Court may deem just and proper, including an award of costs and disbursements to Petitioners-Plaintiffs.

SUFFICIENT REASON APPEARING THEREFOR, that pending a hearing and determination of the within application, it is hereby

ORDERED that, upon the consent of the parties, with appellate rights reserved effective May 16, 2023, Respondents-Defendants, The City of New York, Eric Adams in his capacity as Mayor of the City of New York, and Molly Wasow Park in her capacity as the Commissioner of the New York City Department of Social Services for the City of New York, Newburgh EOM LLC, d/b/a The Crossroads Hotel - Newburgh, Ascend Hotel Collection, Ratan Newburg LLC, d/b/a Ramada by Wyndham Newburgh/West Point through its agents, servants, representatives, and employees, are temporarily restrained from transporting any further homeless adult individuals residing in a temporary shelter in New York City to hotels within Orange County, including but not limited to the Crossroads Hotel - Newburgh, and/or the Ramada by Wyndham Newburgh/West Point, except for the 186 individuals (110 at Crossroads and 76 at Ramada) currently occupying the subject premises may remain in occupancy until the further Order of this Court. Should any occupant vacate the subject premises, no new occupants may be admitted; and it is further

ORDERED that the City of New York shall not transport any further migrants and/or asylum-seekers to Orange County; and it is further

ORDERED that Plaintiffs-Petitioners shall be entitled to make statutory inspections at the subject premises, upon reasonable notice to defendants-respondents, such inspections shall not interfere with services being provided to the occupants; and it is further

ORDERED that the City of New York shall continue to provide and shall continue to incur all related expenses for services provided to occupants, including but not limited to medical, meals, laundry, security and transportation; and it is further

ORDERED that to the extent permitted by law, defendants-respondents shall provide Plaintiffs-Petitioners with identification for all occupants within 5 days of the date hereof.

Defendants-Respondents shall promptly notify plaintiffs-petitioners of any occupants who vacate the subject premises; and it is further

ORDERED, that service of a copy of this Order together with the papers which it is based shall be made by NYSCEF Service upon all parties on or before the 17th day of May, 2023, shall be deemed good and sufficient service; and it is further

ORDERED, that pursuant to Section 7804(c) of the Civil Practice Law and Rules, a verified answer and opposing affidavits, if any, shall be filed and served upon the Office of the Orange County Attorney, counsel for Petitioners-Plaintiffs at their offices at 255-275 Main Street, Goshen, New York 10924 on or before June 2, 2023. Reply papers, if any, shall be filed and served by June 9, 2023; and it is further

ORDERED, that the parties shall appear for in-person conference on June 21, 2023 at 10:00 am.

Dated: May 16, 2023
Goshen, New York

ENTER:

A handwritten signature in black ink, appearing to read "Sandra B. Sciortino", written over a horizontal line.

HON. SANDRA B. SCIORTINO, J.S.C.