

At a Term of the Supreme Court in and for the County of Rockland held at the Rockland County Supreme Court in New City, New York on the 11th day of May, 2023.

PRESENT: HON. THOMAS P. ZUGIBE, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

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In the Matter of the Application of The County of Rockland, Edwin J. Day in his capacity as County Executive of the County of Rockland, Rockland County Social Services District, and Joan M. Silvestri in her capacity as Commissioner of the Rockland County Social Services District,

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 the Commissioner of the New York City Department of Social Services, Palisades Estates EOM LLC, Armoni Inn & Suites LLC d/b/a Armoni Inn & Suites, and Johnson Kirchner Holdings, LLC,

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 affidavit of Joan M. Silvestri, sworn to the 9th day of May 2023, the affirmation of Thomas Simeti, Esq. dated the 9th day of May 2023, and the combined petition and

Index No. 032065/2023

**ORDER TO SHOW
CAUSE WITH
TEMPORARY
RESTRAINTS**

complaint verified by Thomas E. Humbach, Esq. on behalf of The County of Rockland and Joan M. Silvestri on the 9th 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,

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, Palisades Estates EOM LLC, Armoni Inn & Suites LLC d/b/a Armoni Inn & Suites, and Johnson Kirchner Holdings, LLC, the Respondents-Defendants herein, show cause before this Court at the Courthouse located at Rockland County Courthouse, One South Main Street, New City, New York, 10956, Courtroom #2, on the 30th day of May 2023, at 2:00 P.M. in the afternoon 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 Commissioner of the New York City Department of Social Services, Palisades Estates EOM LLC, Armoni Inn & Suites LLC d/b/a Armoni Inn & Suites, and Johnson Kirchner Holdings, LLC, through its agents, servants, representatives and employees, from transporting approximately 340 homeless adult individuals currently residing in a temporary shelter in New York City to the Armoni Inn & Suites Hotel situated in the County of Rockland; and

(2) Granting such other and further relief as 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 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 Commissioner of the New York City Department of Social Services, Palisades Estates EOM LLC, and Armoni Inn & Suites LLC d/b/a Armoni Inn & Suites, through their agents, servants, representatives and employees are temporarily restrained and enjoined from transporting approximately 340 homeless adult individuals currently residing in a temporary shelter in New York City to the Armoni Inn & Suites Hotel situated in the County of Rockland as set forth more fully on the record following the oral argument that took place before the undersigned; and it is further

ORDERED, that service of a copy of this Order together with the papers upon which it is based shall be made upon Respondent-Defendant, 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, by overnight mail delivery and e-mail upon their attorneys, New York City Law Department / Attn: Corporation Counsel, at the office address at 100 Church Street, New York, New York 10007 on or before the 12th day of May 2023, shall be deemed good and sufficient service; and it is further

ORDERED, that service of a copy of this Order together with the papers which it is based shall be made upon Respondent-Defendant Palisades Estates EOM LLC by overnight mail delivery and by e-mail upon the attorney of record on or before the 12th day of May 2023, shall be deemed good and sufficient service; and it is further

ORDERED, that service of a copy of this Order together with the papers upon which it is based shall be made upon Respondent-Defendant Armoni Inn & Suites LLC d/b/a Armoni Inn & Suites by overnight mail delivery and e-mail upon the attorney of record, on or before the 12th

day of May 2023, shall be deemed good and sufficient service; and it is further

ORDERED, that service of a copy of this Order together with the papers upon which it is based shall be made upon the Nominal Respondent-Defendant, New York State Office of Temporary and Disability Assistance by overnight mail delivery and e-mail upon their General Counsel, Tiffiney Rudnik, at the offices located at Ten Eyck State Office Building, 40 North Pearl Street, Albany, New York 12207 on or before the 12th day of May 2023, shall be deemed good and sufficient service; and it is further


ORDERED, that pursuant to the briefing scheduled established by the Court, opposition papers to the underlying Petition shall be served upon the Office of the Rockland County Attorney, counsel for Petitioners-Plaintiffs, at their offices located at 11 New Hempstead Road, New City, New York 10956, and shall be filed with the Court via NYSCEF, on or before May 22, 2023; and it is further

ORDERED, that reply to the opposition papers, if any, shall be served upon counsel for all Respondent- Defendants, and shall be filed with the Court via NYSCEF, on or before May 26, 2023; and it is further

ORDERED, that all counsel are directed to appear in person before the undersigned on May 30, 2023 at 2:00 p.m. for further proceedings in connection with this matter.

Dated: May 11, 2023
New City, New York

ENTER:


HON. THOMAS T. ZUGIBE
Justice of the Supreme Court