

At the Supreme Court of the State of New York, held in and for the County of Rockland, at the Courthouse, located at 1 South Main Street, New City, New York, on the **9** day of May, 2023.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

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TOWN OF ORANGETOWN, NEW YORK,

Plaintiff

-against-

ARMONI INN & SUITES, LLC,  
PALISADES ESTATES EOM, LLC, and  
JOHNSON KIRCHNER HOLDINGS, LLC,

Defendants.

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**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINING ORDER<sup>1</sup>**

Index No. **032048/2023**

**[Motion #1]**

UPON READING AND FILING the application of Plaintiff and the accompanying Affidavits of Teresa M. Kenny and Kenneth Gordon, sworn to May 9, 2023; the Affidavit of Jane Slavin, sworn to May 8, 2023, the Attorney Affirmation of Robert C. Zitt, Esq., dated May 9, 2023; Memorandum of Law in Support dated May 9, 2023; and upon reading the affixed Summons and Complaint of the TOWN OF ORANGETOWN, NEW YORK, verified on May 9, 2023; together with all papers and pleadings heretofore had herein;

LET DEFENDANTS ABOVE NAMED OR THEIR ATTORNEYS SHOW CAUSE BEFORE THIS COURT at an **I.A.S.** Part of this Court before the Hon. **CHRISTIE L. D'ALESSIO**, Justice of the Supreme Court, to be held in and for the County of Rockland, 1 South Main Street, New City, New York, on **MAY 15, 2023 at 9:30a.m. in ROCKLAND**

<sup>1</sup> The Court inserted additional language to the Plaintiff's proposed Order to Show Cause which is reflected in bold font herein.

**COUNTY SUPREME COURT, COURTROOM #2 (4<sup>th</sup> FLOOR) LOCATED AT 1 SOUTH MAIN STREET, NEW CITY, N.Y. 10956 FOR ORAL ARGUMENT ON THE UNDERLYING APPLICATION FOR A PRELIMINARY INJUNCTION AND ANY RELATED RELIEF**, or as soon thereafter as counsel can be heard, why an Order should not be entered, pursuant to the provisions of the Civil Practice Law and Rules and the Town Code and Zoning Code of the Town of Orangetown, New York:

1. Restraining and enjoining Defendants, along with its trustees, officers, employees, servants, agents, attorneys, affiliates, and all other persons acting on Defendants' behalf, from further modification, alteration, or change, either directly or indirectly, at, on, or within the property located at 329 Route 303, Orangeburg, New York 10962, and as otherwise referenced in the Complaint, unless and until such time as appropriate permit applications are filed with the Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE), appropriate inspections are conducted, requisite land use approvals obtained, and continued activity is approved by the Town of Orangetown and any other required governmental authority;
2. Restraining and enjoining Defendants, along with its trustees, officers, employees, servants, agents, attorneys, affiliates, and all persons acting on Defendants' behalf, from using or operating the subject property referenced in the Complaint as a shelter for non-transient guests, at, on, or within the subject property as otherwise referenced in the Complaint unless and until such use is approved by the Town of Orangetown and any other required governmental authority;

3. Restraining and enjoining Defendants, along with its trustees, officers, employees, servants, agents, attorneys, affiliates, and all other persons acting on Defendants' behalf, from using the subject property referenced in the Complaint in violation of the Town Code and Zoning Code of the Town of Orangetown, New York, resulting from an influx of individuals without housing from the City of New York or any other municipality unless and until expressly permitted under local laws of the Town of Orangetown;
4. Together with such other and further relief as this Court may deem just and proper; and it is further.

ORDERED, ADJUDGED, AND DECREED that, **following virtual (remote) oral argument held on May 9, 2023 at 4:20p.m. limited to the temporary relief requested by Plaintiff, this Court granted the Plaintiff's request for temporary relief insofar as** Defendants, along with its trustees, officers, employees, servants, agents, attorneys, affiliates and all other persons acting on Defendant's behalf, is hereby restrained and otherwise enjoined, either directly or indirectly, from:

1. Further modification, alteration, or change, either directly or indirectly, at, on, or within the property located at 329 Route 303, Orangeburg, New York 10962, and as otherwise referenced in the Complaint, unless and until such time as appropriate permit applications are filed with the Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE), appropriate inspections are conducted, requisite land use approvals obtained, and continued



- activity is approved by the Town of Orangetown and any other required governmental authority;
2. Using or operating the subject property referenced in the Complaint as a shelter for non-transient guests, at, on, or within the subject property as otherwise referenced in the Complaint unless and until such use is approved by the Town of Orangetown and any other required governmental authority
  3. Using the subject property referenced in the Complaint in violation of the Town Code and Zoning Code of the Town of Orangetown, New York resulting from an influx of individuals without housing from the City of New York or any other municipality unless and until expressly permitted under local laws of the Town of Orangetown.

ORDERED, that service of a copy of this Order to Show Cause, together with the papers upon which it was made, by affixing a copy at the subject property located at 329 Route 303, Orangeburg, New York 10962, on or before **MAY 10, 2023**, be deemed good and sufficient service; and

ORDERED, that service of a copy of this Order to Show Cause, together with the papers upon which it was made, by personal service at the subject property located at 329 Route 303, Orangeburg, New York 10962, to the Hotel General Manager, Mr. Ashok Bhatt, on or before **MAY 10, 2023**, be deemed good and sufficient service; and

**ORDERED, that service of a copy of this Order to Show Cause, together with the papers upon which it was made upon the named Defendants by service upon the NYS Secretary of State, any attorney of record for said Defendants via email, and/or**

any other person(s) authorized to accept service of process on said Defendants' behalf on or before MAY 10, 2023, be deemed good and sufficient service; and

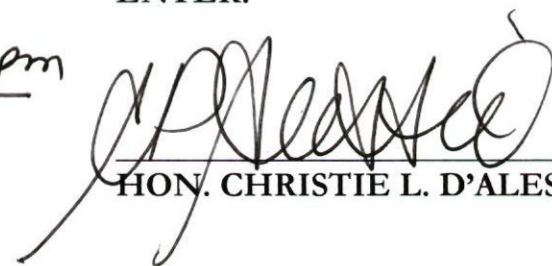
~~ORDERED, that Answering Papers, if any, are to be served upon counsel for Plaintiff no later than \_\_\_\_\_, 2023. Reply papers, if any, are to be served upon Defendants' Counsel no later than \_\_\_\_\_, 2023.~~

ORDERED, that PERSONAL APPEARANCES ARE REQUIRED ON THE RETURN DATE: OF MAY 15, 2023 at 9:30a.m. in ROCKLAND COUNTY SUPREME COURT, COURTROOM #2 (4<sup>th</sup> FLOOR) LOCATED AT 1 SOUTH MAIN STREET, NEW CITY, N.Y. 10956 FOR ORAL ARGUMENT ON THE UNDERLYING APPLICATION FOR A PRELIMINARY INJUNCTION AND ANY RELATED RELIEF. The Court will issue any further motion briefing schedule at that time.

Dated: May 9, 2023

New City, N.Y.

ENTER:

6:01 pm  
  
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HON. CHRISTIE L. D'ALESSIO, J.S.C.