

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

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CHRISTOPHER B. VAN HOUTEN and  
SHARON A. VAN HOUTEN,

Plaintiffs,

**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINING ORDER**

-against-

JAMES B. VAN HOUTEN, individually and as the  
surviving spouse of ELIZABETH VAN HOUTEN,  
VAN HOUTEN FARM MARKET BENEFIT  
TRUST, and DARIN J. VAN HOUTEN and  
ELISABETH C. VAN HOUTEN, each individually  
and as the Trustees of the VAN HOUTEN FARM  
MARKET BENEFIT TRUST,

Index No.: 034361/2023

*Return Date: January 5, 2024  
9:30 am*

Defendants.

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Upon Reading and Filing the Summons and Verified Complaint filed on September 8,  
2023, the Affidavits of Plaintiffs, Christopher B. Van Houten and Sharon A. Van Houten,  
respectively sworn to on November 22 2023, in support of this application and any exhibits  
annexed hereto; the emergency Affirmation of Alak Shah, Esq., affirmed on November 24, 2023  
in support of this application, and an attorney duly admitted to practice law before the Courts of  
the State of New York, and any exhibits annexed hereto; the accompanying Memorandum of  
Law dated November 24 2023 in support of this application; and upon all of the papers and  
pleadings heretofore had herein

**LET THE DEFENDANTS ABOVE-NAMED OR THEIR ATTORNEYS, SHOW  
CAUSE BEFORE THIS COURT**, at a Motion Term Part of this Supreme Court before the  
Honorable Amy S. Puerto, at the Rockland County Courthouse,  
located at 1 South Main Street, New City, New York 10956, the 5<sup>th</sup> day of January, 2024 at  
9:30 a.m., or as soon thereafter as counsel can be heard, why an Order should not be made and  
entered:

*SG  
PLC*

1. Restraining and enjoining Defendants and their agents, servants, and representatives from prosecuting their Verified Petition for a Zoning Text Amendment (“Petition”) to change the use on the property at dispute in this litigation (68 Sickletown Road a/k/a tax map designation 69.19-1-6), which Petition is proceeding on the premise that Plaintiffs are mere tenants of the property, which they have owned, used and occupied as their home for over 25 years, pending a final, non-appealable judgment in this action;
2. Staying the Public Hearing before the Town Board of the Town of Orangetown on the Petition, scheduled for November 28, 2023 at 7:05p.m., pending a final, non-appealable judgment in this action; and,
3. Granting such other and further relief as to the Court may deem just and equitable; and

**SUFFICIENT CAUSE THEREFOR APPEARING**, it is

**ORDERED**, that pending the hearing and determination of Plaintiffs’ application, and their agents, servants, and representatives Defendants are hereby temporarily restrained and otherwise enjoined from prosecuting their Petition to change the use on the property and the Public Hearing scheduled for November 28, 2023, is hereby stayed; and it is further

**ORDERED**, that service of a copy of this Order to Show Cause, together with the papers upon which it was made, be made on Defendants JAMES B. VAN HOUTEN, individually and as the surviving spouse of ELIZABETH VAN HOUTEN, VAN HOUTEN FARM MARKET BENEFIT TRUST, and DARIN J. VAN HOUTEN and ELISABETH C. VAN HOUTEN, each individually and as the Trustees of the VAN HOUTEN FARM MARKET BENEFIT TRUST, by e-mail to Defendants’ attorney, Kevin Conway, Esq., at [KConway@ktclaw.com](mailto:KConway@ktclaw.com), on or before

November <sup>28<sup>th</sup></sup> 2023, and such service shall be deemed good and sufficient service thereof; and it is further

**ORDERED**, that insofar as this case is subject to mandatory Electronic Filing (“E-Filing”), movant is not required to serve the Order to Show Cause upon the parties who have consented to E-Filing, as filing the papers on the NYSCEF website is deemed good and sufficient service upon any consenting Defendants; and it is further

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**ORDERED**, that movant is directed to serve the Order to Show Cause and supporting papers on any parties who have not consented to E-Filing on or before November <sup>28<sup>th</sup></sup> 2023 by e-mail delivery to the Law Offices of Kevin Conway, attention: Kevin Conway, Esq. at KConway@ktclaw.com at 7 Stokum Lane, New City, NY 10956; and it is further

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**ORDERED**, that the movant is directed to file proof of service of the Order to Show Cause and the supporting papers on any party who has not consented to E-Filing on or before November <sup>30<sup>th</sup></sup> 2023; and it is further

**ORDERED**, that the parties who have consented to E-Filing shall serve any answering papers on any party who has not consented to E-Filing on or before ~~November/December~~ <sup>13<sup>th</sup></sup> 2023, and shall file any answering papers and proof of service on the NYSCEF website on or before that date by 12:00 p.m.; and it is further

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**ORDERED**, that any party who has not consented to E-Filing shall serve a hard copy of the answering papers on any other party who has not consented to E-Filing and shall file a hard copy of any answering papers and proof of service with the Court on or before ~~November/December~~ <sup>13<sup>th</sup></sup> 2023 by 12:00 p.m. and answering papers, if any, and proof of service shall be filed in the Rockland County Supreme Clerk’s Office located in the Rockland County Courthouse on the 2<sup>nd</sup> Floor, and the Clerk is directed to file any papers filed by hard copy submission on the NYSCEF website; and it is further

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**ORDERED**, that reply papers, if any, are to be served upon Defendants no later than ~~November~~/December 20 2023, in the foregoing manner; and it is further

**ORDERED**, that personal appearances are/are not required on the return date.

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Dated: New City, New York  
November 21, 2023

ENTER

*Amy S. Puerto*

Hon. Amy S. PUERTO, J.S.C.

Hon. Amy S. Puerto  
Justice of the Supreme Court