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At ~~807~~ Part 63 of the Supreme Court of the State of New York held in and for the County of New York at the Courthouse located at 60 Centre Street, New York, New York on the 9th day of September, 2021

PRESENT: **HON. LAURENCE L. LOVE**
J.S.C.

NEW YORK SUPREME COURT
COUNTY OF NEW YORK

In the Matter of the Application of:

THE NEW YORK CITY MUNICIPAL LABOR COMMITTEE; HARRY NESPOLI as President of UNIFORMED SANITATIONMEN'S ASSOCIATION, LOCAL 831, IBT; HENRY GARRIDO, as Executive Director of DISTRICT COUNCIL 37, AFSCME; MICHAEL MULGREW, as President of UNITED FEDERATION OF TEACHERS; MARK CANNIZZARO as President of COUNCIL OF SCHOOL SUPERVISORS AND ADMINISTRATORS; GREGORY FLOYD as President of INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 237; JOSEPH MANNION as President of SANITATION OFFICERS' ASSOCIATION, LOCAL 444; JOSEPH COLANGELO as President of SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 246; MARTIN LYDON as Civil Service Director of DISTRICT COUNCIL OF CARPENTERS; CHRIS MONAHAN as President of CAPTAINS ENDOWMENT ASSOCIATION; LOUIS TURCO as President of LIEUTENANTS BENEVOLENT ASSOCIATION; WILLIAM LYNN as Business Manager of INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 30; DALVANIE POWELL as President of UNITED PROBATION OFFICERS ASSOCIATION; JAMES MCCARTHY as President of UNIFORMED FIRE OFFICERS ASSOCIATION, LOCAL 854, I.A.F.F.; IGNAZIO AZZARA as President of UNIFORMED SANITATION CHIEFS ASSOCIATION; and JOSEPH AZZOPARDI as Business Manager and Secretary Treasurer of DISTRICT COUNCIL NO. 9

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Index No. 158368/2021

**ORDER TO SHOW CAUSE
FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

PAINTERS & ALLIED TRADES,

Petitioners,

For a Judgment Pursuant to Article 78 of the New York Civil Practice Law and Rules,

-against-

THE CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE; THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Respondents.

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Upon review of the annexed Verified Petition, verified on the 8th and 9th days of September 2021, and the exhibits annexed thereto, the Affirmation of Emergency and in Support of Application for Temporary Restraining Order and Preliminary Injunction, dated September 9, 2021, and the accompanying Memorandum of Law, dated September 9, 2021, and for good cause shown, it is hereby:

ORDERED that Respondents show cause before this Court either virtually, or at the Supreme Court Courthouse in the County of New York, 60 Centre Street, New York, NY, in IAS Part 63 as assigned by the Court and per the Court's instructions, on Sept 22, 2021 at 11:00 a.m. or as soon thereafter as counsel may be heard, why an Order should not be made

herein:

1. Vacating as arbitrary, capricious and contrary to law the August 24, 2021 Order of the Commissioner of Respondent New York City Department of Health and Mental Hygiene

(the "Order")¹;

- 2. Enjoining Respondents from implementing the Order; and
- 3. Granting such other and further relief as the Court may deem appropriate.

of 9/22/21 only (u)
IT IS FURTHER ORDERED that pending the hearing upon the aforementioned

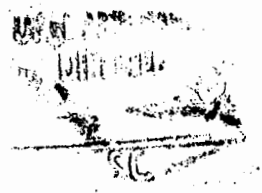
Petition, Respondents *are temporarily restrained* from implementing the Order.

SUFFICIENT CAUSE APPEARING THEREFORE, IT IS ORDERED that leave is hereby granted to Petitioners to submit upon the return day of this Order to Show Cause, and any subsequent day as shall be determined by the Court on said return day, such additional evidence, exhibits, legal memoranda and other proof as may be necessary.

IT IS FURTHER ORDERED, that service of a copy of this Order together with the papers upon which it is granted be made upon all Respondents by email ^{and} or personal service on or before the 9 day of September, 2021 ^{by 2 pm} and that such method of service shall be deemed good and sufficient service thereof.

IT IS FURTHER ORDERED that papers in response to the relief requested herein, if any, shall be filed on the NYSCEF system and e-mailed to Alan M. Klinger at aklinger@stroock.com and Dina Kolker at dkolker@stroock.com, on or before the 21 day of September, 2021.

Signed this 14 day of September, 2021, at New York, New York.



ENTER:

HON. LAURENCE L. LOVE
J.S.C.

¹ The Order is attached to the Verified Petition as Exhibit A.