

At Commercial Division Part 39 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 28<sup>th</sup> day of November, 2018.

PRESENT:

**HON. SALIANN SCARPULLA**  
\_\_\_\_\_, J.S.C.

SHAWN C. CARTER, S. CARTER ENTERPRISES, MARCY MEDIA HOLDINGS, LLC and MARCY MEDIA, LLC,

*Petitioners,*

-against-

ICONIX BRAND GROUP, INC. and ICON DE HOLDINGS, LLC,

*Respondents.*

Index No.: 655894/2018

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

**Oral Argument Requested**

Upon the accompanying Petition, dated November 28, 2018; the Emergency Affirmation of Alex Spiro in Support of this Order to Show Cause, dated November 28, 2018, and Exhibits thereto; and the Memorandum of Law in Support of this Order to Show Cause, dated November 28, 2018; and good cause having been shown, it is hereby:

**ORDERED** that Respondents Iconix Brand Group, Inc. and Icon DE Holdings, LLC show cause before this Court, Commercial Division Part 61, at the New York County Courthouse, Room 222, 60 Centre Street, New York, New York, on ~~November~~ December 11, 2018, at 10:00 o'clock in the Morning or as soon thereafter as counsel can be heard, why an order should not be entered in this

action (i) temporarily restraining Respondents Iconix Brand Group, Inc. ("Iconix") and Icon DE Holdings, LLC ("Icon DE," and together with Iconix, the "Respondents") from proceeding with their claims against Petitioners in an arbitration currently pending before the American Arbitration Association (the "AAA"), Case No. 01-18-0003-6487 (the "Arbitration"), pending resolution of this application; (ii) granting Petitioners' request for a preliminary and permanent injunction, staying the Arbitration; and (iii) granting Petitioners such other and further relief this Court deems just and proper; and it is further

**ORDERED** that sufficient reason having been ~~shown~~ <sup>alleged</sup> therefore, pending the hearing ~~and~~ <sup>order to show cause</sup> determination of this ~~application~~, Respondents shall be temporarily restrained and enjoined from proceeding with their claims in the Arbitration ~~for a period of 90 days to allow the parties to work with AAA to include sufficient African-American arbitrators from which the parties may choose in the roster of arbitrator candidates; and it is further~~

**ORDERED** that service on Respondents by mail or hand delivery to Respondents' counsel, Samuel Levy, Blank Rome, 405 Lexington Avenue, New York, New York 10174, of a copy of this Order to Show Cause and the papers upon which it is based, ~~on or before November~~ <sup>since it could</sup> today, 2018, ~~shall be deemed good and sufficient service; and it is further~~

**ORDERED** that all answering papers shall be served by email or by hand on Alex Spiro, Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue, 22nd Floor, New York, New York, 10010, alexspiro@quinnemanuel.com, so as to be received no later than 5 p.m. on December 7<sup>th</sup>, 2018, and ~~reply papers, if any, shall be served by email or by hand on the return date of this~~ ~~petition~~; and it is further

VS  
HON. SALIANN SCARPUZZA

**ORDERED** that oral argument is requested on the return day of this motion.

ENTER



J.S.C.

HON. SALIANN SCARPULLA

**ORAL ARGUMENT  
DIRECTED**  
~~\_\_\_\_\_~~  
HON. SALIANN SCARPULLA J.S.C.

*Please call judge  
Astrager to confirm  
the date and time.*