

At a Term of the Supreme
Court in and for the County of
Onondaga held at the Onondaga
County Supreme Court in
Syracuse, New York on the
_____ day of May 2023

Present: HON. _____, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

In the Matter of the Application of THE COUNTY OF
ONONDAGA, and KATHYRN ANDERSON, MD, PhD,
MSPH, in her official capacity as Commissioner of the
Onondaga County Department of Health,

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
Commissioner of the New York City Department of
Social Services and CWP SYRACUSE I LLC,
d/b/a Candlewood Suites Syracuse-Airport,

Respondents-Defendants,

Index No.

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINT**

For a Judgment pursuant to Article 78 and for a
Declaratory Judgment under Article 30 of the Civil
Practice Law and Rules.

Upon the affirmation of John A. Sickinger, Senior Deputy County Attorney, dated May 22, 2023, the affidavit of Ann Rooney, dated May 22, 2023 and the combined petition and complaint dated May 22, 2023, and the exhibits attached to the papers, and notice pursuant to Rule 202.8-e 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, CWP Syracuse I LLC d/b/a Candlewood Suites Syracuse Airport, Respondents-Defendants herein, show cause before this Court at the Onondaga County Courthouse, 401 Montgomery Street, Syracuse, New York 13202 on the ____ day of _____ 2023, at _____ o'clock in the fore/after noon 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, CWP Syracuse I LLC d/b/a Candlewood Suites Syracuse Airport, through its agents, servants, representatives and employees, from transporting homeless adult individuals residing in a temporary shelter in New York City to hotels within Onondaga County, including, but not limited to, the Candlewood Suites Syracuse Airport,

(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 the Commissioner of the New York City Department of Social Services, and CWP Syracuse I LLC d/b/a Candlewood Suites Syracuse Airport, through its agents, servants, representatives and employees, are temporarily restrained from transporting homeless adult individuals residing in a temporary shelter in New York City to hotels within Onondaga County, including, but not limited to Candlewood Suites Syracuse Airport,

ORDERED, that service of a copy of this Order together with the papers upon which it is based shall be made by hand delivery or overnight mail delivery 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, 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 ___ 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 by hand delivery or overnight mail delivery upon Respondent-Defendant CWP Syracuse I LLC d/b/a Candlewood Suites Syracuse Airport, upon their registered agent for service, Capitol Services, Inc., 1218 Central Avenue, Suite 100, Albany, New York 12205 on or before the ____ day of May 2023, shall be deemed good and sufficient service; and it is further

ORDERED, that pursuant to Section 7804(c) of the Civil Practice Law and Rules, a verified answer and supporting affidavits, if any, shall be served upon the Office of the Onondaga County Attorney, counsel for Petitioners-Plaintiffs at their offices at 421 Montgomery Street, 10th Floor, Syracuse, New York 13202 at least five (5) days before the return date of this application.

Dated: Syracuse, New York
May ___, 2023

ENTER:

HON.
Justice of the Supreme Court