

SHORT FORM ORDER

**SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU**

Present:

Hon. Thomas Feinman
Justice

ALBERT CACACE,
1367 Carole Court
Valley Stream, NY 11580,

Plaintiff,

- against -

MARK ALBERT,
321 Mill River Road
Oyster Bay, NY 11771

&

ALLISON ALBERT,
106 Ira Road
Syosset, NY 11791

Defendants.

TRIAL/IAS PART 13
NASSAU COUNTY

INDEX NO. 6437/10

MOTION SUBMISSION
DATE: N/A

MOTION SEQUENCE
NO. 3

The following papers read on this motion:

Order to Show Cause and Affidavits.....	<u>X</u>
Affirmation in Opposition.....	<u>N/A</u>
Reply Affirmation.....	<u>N/A</u>

This will acknowledge receipt of a proposed Order to Show Cause which includes one or more proposed temporary restraining orders and/or request for a stay of proceedings in the above referenced matter, thereby triggering the provisions of 22 NYCRR 202.7.

Review of the supporting papers does not persuade the court that "there will be significant prejudice to the party seeking the restraining order by the giving of notice" to all other parties.

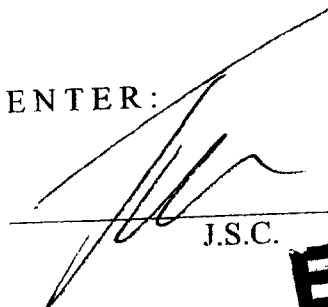
Accordingly, the movant is hereby advised that unless the movant consents to the striking of the proposed temporary restraining order(s) and/or stay found in the proposed Order to Show Cause, all interested parties may appear to be heard before the undersigned (IAS Part 13) on the issues raised on April 5, 2011 at 9:30 A.M.

No adjournments of the foregoing date will be permitted unless on consent of all interested parties. Regardless of the date, the 9:30 A.M. time will remain constant. Promptness of all interested parties is essential.

Pursuant to 22 NYCRR 202.7(f) the movant is required to provide notice of the foregoing to all interested parties and provide an affirmation to the court attesting to same. "[T]he affirmation must demonstrate that a good faith effort has been made to notify the party against whom the temporary restraining order is sought of the time, date and place that the application will be made in a manner sufficient to permit the party an opportunity to appear in response to the application." (*Id.*)

The adequacy of the notice provided by you to all interested parties can only be determined on a case-by-case basis but every effort should be made to provide notice promptly and thoroughly. Thus, if possible, both oral and written (e.g., fax or e-mail) notice should generally be pursued and written notice should generally include a copy of this letter with a copy of the proposed Order to Show Cause.

ENTER:



J.S.C.

Dated: March 31, 2011

ENTERED

APR 05 2011

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**