

At an I.A.S. Part 72 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse thereof, at 360 Adams Street, in the Borough of Brooklyn, City of New York, on September 4, 2009

PRESENT: **Hon. Richard Velasquez**

YESHIVA OF MANHATTAN BEACH OF THE MANHATTAN BEACH JEWISH CENTER, JERRY GREENWALD individually and JERRY GREENWALD derivatively on behalf of MANHATTAN BEACH JEWISH CENTER,

Index No.: 22630/09

ORDER TO SHOW CAUSE

Plaintiffs,

- against -

MANHATTAN BEACH JEWISH CENTER, RUBIN MARGULES, JAY HAIES,

Defendants.

Upon the annexed emergency affirmation in support of David M. Berger, Esq., dated September 3, 2009, the annexed affirmation in support of David M. Berger, dated September 3, 2009, the annexed affirmation of Jerry Greenwald, dated September 3, 2009, and the annexed complaint of the YESHIVA OF MANHATTAN BEACH OF THE MANHATTAN BEACH JEWISH CENTER, JERRY GREENWALD individually and JERRY GREENWALD derivatively on behalf of THE MANHATTAN BEACH JEWISH CENTER, verified on September 3, 2009, and upon all the papers and proceedings heretofore had herein:

LET the Defendants or their respective attorneys **SHOW CAUSE** before this

KINGS COUNTY CLERK
FEE PD \$ 45 00

How [Signature]

Court at an I.A.S. Part 47 of this Court to be held at the Courthouse thereof, located at 360 Adams Street, Room 541 Brooklyn, New York, on the ~~14th~~ ^{15th} ~~day~~ ^{of} ~~September~~, 2009, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard **WHY** an order should not be made.

(a) granting Plaintiffs a preliminary injunction and temporary restraining order enjoining and restraining the Defendants, and each of them, their respective officers, agents, servants, employees and attorneys, and all other persons in active concert or participation with them, from using self help to evict Plaintiffs or otherwise taking any action or maintaining any proceeding to evict the Plaintiffs from the subject premises, including but not limited to the L/T Summary Proceeding, Index No. 60672/2009 pending a final determination of the Complaint in this proceeding; and

(b) granting Plaintiffs such other, further and different relief as this Court may deem to be just, proper and equitable.

ORDERED, that pending the hearing of this motion, the Defendants are hereby enjoined and restrained from using self help to evict Plaintiffs from 60 West End Avenue, Brooklyn, New York; and it is further

ORDERED, that pending the hearing on this motion, the Defendants are stayed from commencing or maintaining any action or proceeding to evict the Plaintiffs from the subject premises at 60 West End Avenue, Brooklyn, New York, including but not limited to the L/T Summary Proceeding, Index No. 60672/2009 is hereby stayed; ~~and it is further~~

~~**ORDERED** that pursuant to CPLR §2214(b), reply papers, if any, are required to be served upon the attorneys for the Plaintiffs at least two (2) days before the return date of this motion.~~

SUFFICIENT CAUSE APPEARING THEREFORE, LET service of a copy of this Order, together with the supporting Affirmations and Exhibits annexed thereto, and the

STAY
XW
JSC

Summons and Complaint be deemed due, timely and sufficient notice hereof if same are served upon the Defendants by personal service ~~in accordance with CPLR §§ 306, 311~~, on or before the ^{18TH} day of September, 2009

*James Served
on 9/4/09*

ENTER,

RLV

J.S.C. Hon. Richard Velasquez

SO ORDERED

Hon. Richard Velasquez SEP 04 2009