

Part 72

At a IAS Part 72 The Brooklyn Supreme Court of the State of New York, held in and for the County of Kings at the Courthouse thereof, located at 360 Adams St, Brooklyn N.Y. 11201  
On the 15<sup>th</sup> day of April 2019

Hon. Johnny Lee Baynes

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

In the Matter of the Application of  
ALICIA BOYD, LASHAUN ELLIS, and  
MICHAEL HOLLINGSWORTH

Index No: 1518/19

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P

Petitioners,

-Against-

ORDER TO SHOW CAUSE  
ORAL ARGUEMENTS  
REQUESTED

LAURIE CUMBO, in her official capacity as  
New York City Councilwoman for District 35,  
WINSTON R. VON ENGLE, in his official capacity as  
Director of New York Department of City Planning Brooklyn,  
THE DEPARTMENT OF CITY PLANNING OF THE CITY  
OF NEW YORK,  
NEW YORK CITY PLANNING COMMISSION,  
MARISA LAGO, Director of Department of City Planning of  
City of New York and the Chair of the New York City Planning  
Commission, the City Of New York  
NEW YORK CITY DEPARTMENT OF BUILDINGS, and  
CORNELL REALTY LLC

Respondents,  
for a Judgment Pursuant to Article 78 and CPLR §§ 6301, 6311  
of the Civil Practice Law and Rules.

2019 APR 16 AM 9:30  
KINGS COUNTY CLERK  
RECEIVED

-----X  
Upon the annexed affirmation of Alicia Boyd, dated April 14, 2019, the annexed Verified  
Petition, sworn to on April 11, 2019, and upon all of the exhibits, memorandum of law, affidavits,  
affirmations, annexed thereto, and sufficient cause appearing therefore, it is hereby:

~~ORDERED~~ let that the Respondents, LAURIE CUMBO, THE DEPARTMENT OF CITY  
PLANNING OF THE CITY OF NEW YORK, NEW YORK CITY PLANNING COMMISSION,

NEW YORK CITY DEPARTMENT OF BUILDINGS, WINSTON v ON ENGLE, MARISA LAGO, and CORNELL REALTY show cause before Brooklyn Supreme Court of the State of New York, held in and for the County of Kings at the Courthouse thereof, located at 360 Adams St, Rm. 456, Brooklyn N.Y. 11201 On the <sup>Part 7</sup> 3<sup>rd</sup> day of ~~April~~ <sup>May</sup> 2019, at 10:00 am in the morning, or as soon thereafter as counsel may be heard, why an order should not be entered, pursuant to Article 78 of the CPLR and CPLR §§ 3001,6301 and 6311

1. Preliminarily enjoining, restraining and precluding Respondents, their agents, officers, employees, and/or licensees from: taking any action whatsoever in furtherance of the commencement of construction on Blocks 1188, lots 35, 44, 53, 54, 55, 56, and 58; Blocks 1189, lots 31 and 60; Block 1190 lots 26, 28, 46, 48, 29, 45, and 50, including, but not limited to, permitting, authorizing, conducting or continuing any construction work at the sites Block 1188: Lots 53, 54, 55, 58 and Block 1190: Lots 28, 29, 45, 46, 48 and 50, based upon City Council approval of the Franklin Ave Rezoning, ULURP Nos 180347ZMK and N180348ZRK; and
2. Enjoining Respondent DCP from sending to Respondent DOB approval letters related to passing of the Franklin Ave Rezoning based upon its purported "Negative Declaration" and
3. Enjoining Respondent DOB from issuing the building permits that would facilitate the development of the proposed buildings in connection with the rezoned areas approved by the City Council on December 20, 2018; and
4. Awarding Petitioners such other and further relief as this Court deems just and proper.

**TEMPORARY RELIEF PENDING HEARING**

**IT IS FURTHER ORDERED** that, pending the hearing, ~~and any further date as directed by the Court, as well as the determination on the application brought on by this Order to Show Cause,~~ Respondents, as well as their agents, officers, employees, and/or licensees, and all persons acting in concert with same, or under their direction and control, are hereby enjoined, restrained and

~~precluded, both directly and indirectly, from engaging, and/or causing or permitting others to engage, in any activity, or taking any action in furtherance of the commencement of construction on the Affected Area Block 1188: Lot (p/o), 44 (p/o), 53, 54, 55, 56, and 58; Block 1189: Lots 31 and 60 (p/o); and Block 1190: Lot 26 (p/o), 28, 29, 45, 46, 48, and 50, including, but not limited to, permitting, authorizing, conducting or continuing any construction work at the Cornell Realty Project sites; and~~

*pouring concrete until the return date before Justice Bodore*

~~IT IS FURTHER ORDERED that, sufficient cause having been alleged, let service of a~~

copy of this Order to Show Cause, and the papers upon which it is granted, be effectuated by personal ~~or overnight courier~~ service on or before the 19<sup>th</sup> day of April 2019, upon the Respondents DCP, CPC, through their counsel, the New York City Law Department, at ~~100 Church Street, New York, New York, 10007~~; and Respondents Cornell at Cornell Realty Management Group ~~75 Huntington St, Brooklyn N.Y. 11231~~

~~IT IS FURTHER ORDERED that, answering papers, if any, shall be served upon the~~  
~~Petitioners, Alicia Boyd, 89 Sterling St, Brooklyn N.Y. 11225 Lashaun Ellis at 19 Stoddard Place,~~  
~~Brooklyn N.Y. 11225, and Michael Hollingsworth at 15 Crown Street, Brooklyn N.Y. 11225 at on~~  
the \_\_\_\_\_ day of April 2019 and

~~IT IS FURTHER ORDERED that, reply papers, if any, shall be served upon the aforesaid~~  
~~counsel for Respondents on the \_\_\_\_\_ day of April, 2019~~

ENTER  
*J. Baynes*  
J.S.C.  
HON. JOHNNY LEE BAYNES