

72 for 35

At Part 35 of the Supreme Court of the State of New York, County of Kings, held at the Courthouse thereof, 360 Adams Street, Brooklyn, NY 11201 on the 8th day of November 2018.

HON. LARRY D. MARTIN
for

KAREN ROTHENBERG
J.S.C.

PRESENT: Hon.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
JOHN EDWARD ROCHE,

Plaintiff,

-against-

ARMSTRONG REALTY, INC.,

Defendant.
-----X

Index No. 508618/18

**ORDER TO SHOW CAUSE
FOR YELLOWSTONE**

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Upon reading and filing the annexed affidavit of Plaintiff sworn to on the 7th day of November 2018; the affidavit of John Furth Peachy, RA sworn to on the 5th day of November 2018; the affirmation of Margaret B. Sandercock, Esq. dated November 7, 2018; and the exhibits annexed thereto;

Let the defendant or its attorneys show cause, at Part 35 of this court, to be held in and for the county of Kings at 360 Adams Street, Room 574, Brooklyn, New York on the 6th day of December 2018, in the fore noon, at 9:30 AM, or as soon thereafter as counsel may be heard, why an order should not be made and entered:

- i. Permitting the amendment of the complaint as set forth in Exhibit B hereto;
- ii. granting a Yellowstone injunction pursuant to, without limitation, CPLR Sections 6301 and 6311; and/or

- iii. staying and enjoining defendant from interfering with the tenancy of plaintiff at 120 Waterbury Street, Brooklyn, New York (the "demised premises"); and/or
- iv. staying and enjoining defendant and its attorneys from taking any other measures or actions to enforce plaintiff's alleged defaults of its tenancy, including, without limitation, terminating plaintiff's tenancy and commencing any summary proceeding or action to take possession of, or otherwise affect the tenancy of plaintiff in the demised premises, pending the determination of this action; and/or
- v. tolling and staying the cure period set forth in the Notice to Cure dated October 16, 2018; and
- vi. granting plaintiff a reasonable opportunity to cure any default(s), if plaintiff is found to be in default, at the conclusion of this action;
- vii. awarding plaintiff his legal and filing fees and sanctions for expenses paid by plaintiff due to defendant's service of repeated inept notices to cure, including without limitation professional fees, as set forth in the annexed Sandercock affirmation; and
- viii. such other and further relief as is just and proper.

Sufficient cause being alleged, it is:

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ORDERED, that pending hearing ~~and determination~~ of this motion, (a) defendant, its managing agent, its other agents and employees, and its attorneys are hereby stayed and enjoined from terminating plaintiff's tenancy at the demised premises and/or taking any other measures or actions to enforce plaintiff's alleged defaults of his tenancy, including without limitation commencing any summary proceeding or other proceeding or action to affect the possession, use and enjoyment of the tenancy and/or the demised premises by plaintiff, and (b) the time to cure

BC

Stay
AT
PCL

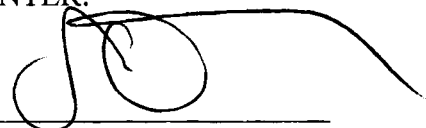
any default(s) by plaintiff of his tenancy is hereby tolled and stayed, and sufficient cause appearing therefor, it is further,

~~ORDERED~~, that ^{Let} service of a true and complete copy of this Order to Show Cause,

together with the summons and complaint, upon defendant by November 19th, 2018 by

personal delivery ~~or by overnight delivery service~~ shall be deemed good and sufficient service.

ENTER:



J.S.C.

HON. LARRY D. MARTIN