

At Part __ of the Supreme Court of the State of New York, County of Westchester, held at the Courthouse located at 111 Dr. Martin Luther King Jr. Blvd., White Plains, New York, on the __ day of May 2025.

PRESENT: HON. NANCY QUINN KOBA, JSC

**SUPREME COURT OF THE STATE OF NEW YORK
WESTCHESTER COUNTY**

ORAL CLARKE, ROMANCE REED, GRACE PEREZ, PETER RAMON, ERNEST TIRADO, and DOROTHY FLOURNOY,

Plaintiffs,

v.

TOWN OF NEWBURGH and TOWN BOARD OF THE TOWN OF NEWBURGH,

Defendants.

Oral Argument Requested

Index No.: 50325/2025

ORDER TO SHOW CAUSE

Upon the annexed Affirmation of Bennet J. Moskowitz, dated May 20, 2025, and the papers annexed thereto, and the accompanying memorandum of law, and upon all the papers and proceedings heretofore had,

LET THE PLAINTIFFS SHOW CAUSE BEFORE THIS COURT, at the courthouse thereof, located at 111 Dr. Martin Luther King Jr. Blvd., White Plains, New York, 10601, on the day of _____, 20 __, at _____ or as soon thereafter as counsel may be heard, why an order should not be made and entered, pursuant to CPLR § 2201:

1. Staying the proceedings before this Court (Westchester Cnty. Index No. 50325/2025) pending the adjudication in the Appellate Division, Second Department, of (i)

Defendants’ pending motion to appeal to the Court of Appeals (Index No. 2024-11753, 2d Dep’t); (ii) Defendants’ pending appeal concerning Justice Vazquez-Doles’ decision that the Supreme Court has jurisdiction over the case notwithstanding Defendants’ view that the Second Department has not issued remittitur after it reversed the Supreme Court’s grant of summary judgment to Defendants on January 30, 2025; and/or (iii) Defendants’ pending appeal from the decision of Justice Scattaretico-Naber — to which this case was assigned following Justice Vazquez-Doles’ recusal — to transfer this case to the Westchester County Supreme Court;¹ and,

2. Granting such other and further relief as the Court may deem just and equitable.

SUFFICIENT CAUSE THEREFORE APPEARING, it is

ORDERED that service of a copy of this order to show cause and the papers upon which it was made upon counsel for Plaintiffs by filing on NYSCEF on or before _____, 2025, shall be deemed sufficient service thereof.

ORDERED that answering papers, if any, shall be served on or before _____, 2025 upon counsel for Defendants, via NYSCEF.

ORDERED that reply papers, if any, shall be served on or before _____, 2025 upon counsel for Plaintiffs, via NYSCEF.

Dated: Westchester, New York

_____, 20__

_____, J.S.C.

¹ Defendants have recently filed two notices of appeal in this case—the first on May 14, 2025, NYSCEF No.191, and the second on May 16, 2025, NYSCEF No.198. At the time of this filing, no Index Number has been assigned to these appeals by the Appellate Division, Second Department.