

At a Term of the Supreme Court of the State of New York, for the County of Orange, held in and for the County of Orange, at 285 Main Street, Goshen, NY on the 31st day of July, 2023

Present: Hon. Elena Goldberg-Velazquez, J.S.C.
Justice Presiding



STATE OF NEW YORK
SUPREME COURT COUNTY OF ORANGE

VILLAGE OF MONROE,

Plaintiff,

v.

W.C. LINCOLN, CORP. AND SIMON JACOBS,

Defendant.

**ORDER TO SHOW
CAUSE WITH
TEMPORARY
RESTRAINING ORDER**

Index No. EF005171-2023

Motion Seq. No. 1

Upon reading Plaintiff Village of Monroe's ("Village") Summons and Verified Complaint, dated July 28, 2023, the Affirmation of Kathleen M. Bennett, Esq., dated July 28, 2023, the Affidavit of Mayor Neil Dwyer, sworn to on July 28, 2023, and the Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction dated July 28, 2023, and good cause being shown, it is hereby:

ORDERED, that Defendants W.C. Lincoln, Corp. and Simon Jacobs show cause before this Court on SEPTEMBER 8, 2023 at 11:00 a.m. or as soon thereafter as counsel may be heard, on submission of papers alone, why an Order should not be entered granting the Village's motion for (i) a preliminary injunction enjoining and restraining Defendants from demolishing the structures located on 47 Lakes Road in the Village of Monroe, also known as tax map parcel number 211-1-1, (the "Property") pending the Village's consideration of whether to acquire the Property pursuant to the provisions of the Eminent Domain Procedure Law, and (ii) a preliminary

injunction enjoining and restraining Defendants from damaging, harming, or otherwise undermining the structures on the Property in any way until such time as the Village either files its acquisition map to acquire title to the Property pursuant to the Eminent Domain Procedure Law or issues a Findings and Determination not to acquire the Property via eminent domain;

GOOD AND SUFFICIENT CAUSE APPEARING THEREFORE, it is hereby

ORDERED, that pending a hearing and determination on this motion, Defendants are hereby enjoined and restrained from demolishing the structures located on the Property; and it is further

ORDERED that pending a hearing and determination on this motion, Defendants are hereby enjoined and restrained from damaging, harming, or otherwise undermining the structures on the Property in any way; and it is further

~~**ORDERED**, that pending a hearing and determination on this motion, Plaintiff is permitted to enter upon the Property for the purpose of making surveys, test pits and borings, or other investigations, and also for temporary occupancy for the preservation of the structures on the Property; and it is further~~

ORDERED, that a copy of this Order to Show Cause shall be delivered to and maintained in the offices of the Village Clerk and the Village Code Enforcement Office; and it is further

ORDERED, that sufficient cause appearing therefore, service of a copy of this Order to Show Cause, together with copies of the Summons and Verified Complaint, the Affirmation of Kathleen M. Bennett, the Affidavit of Mayor Neil Dwyer and the Memorandum of Law in Support of the Village's Motion for a Preliminary Injunction, upon which this Order is granted, upon Defendants by mailing a copy via USPS with tracking to the following addresses

Yehuda Frank
1 Jackson Ave.
Spring Valley, NY 10977

W.C. Lincoln Corp.
1 Jackson Ave.
Spring Valley, NY 10977

W.C. Lincoln Corp.
5 Second Street
Highland Mills, NY 10930

Simon Jacobs
5 Second Street
Highland Mills, NY 10930

Joseph J. Haspel, Esq.
39 Casimer Rd.
Middletown, NY 10941

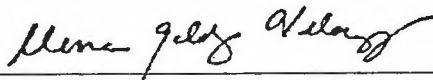
on or before AUGUST 4, 2023 at 5:00 p.m.
and posting a copy on the structures on the Property, shall be deemed good and sufficient
service; and it is further

ORDERED, that Defendants shall serve any opposition papers by no later than August
14, 2023; and it is further

ORDERED, that the Plaintiff shall serve any reply papers no later than August 17, 2023.

SO ORDERED

Dated: Goshen, New York
July 31, 2023



HON. ELENA GOLDBERG-VELAZQUEZ, J.S.C.

****AFFIDAVITS OF SERVICE TO BE E-FILED BY AUGUST 8, 2023 AT 5:00 P.M.****