



all other individuals and businesses similarly situated, the accompanying Memorandum of Law, and all papers and proceedings had herein and between the parties, sufficient cause appearing thereof,

LET Respondents\Defendants BILL DE BLASIO, MAYOR OF THE CITY OF NEW YORK, in his official capacity; and The CITY OF NEW YORK, show cause before IAS Part of this Court, located at 360 Adams St, Brooklyn, NY 11201 in Room \_ thereof, on the \_\_\_\_th day of \_\_\_\_\_, 2021 at \_\_\_\_\_. M., or as soon thereafter as counsel may be heard, why an Order should not be entered by this Court:

- 1) Temporarily and preliminarily restraining what are known as “*vaccine passports*” found in EMERGENCY EXECUTIVE ORDER NO. 225 (“EEO 225”), EMERGENCY EXECUTIVE ORDER NO. 226 (“EEO 226”), and EMERGENCY EXECUTIVE ORDER NO. 228 (“EEO 228”), and each and any successive Emergency Executive Order(s) extending EEOs 225, 226, and 228, most recently on October 24, 2021 by EXECUTIVE ORDER NO. 271 (“EEO 271”),
- 2) Temporarily and preliminarily restraining Respondents\Defendants from issuing and\or enforcing any future EMERGENCY EXECUTIVE ORDERS (“EEOs”) extending EEOs 225, 226, 228 and 271, or any subsequent EEO, requiring that a “covered entity,” as defined in the EEOs shall not permit a patron, full- or part-time employee, intern, volunteer, or contractor to enter a covered premises without displaying proof of vaccination, and identification bearing the same identifying information as the proof of vaccination, and,
- 3) Permitting limited discovery and scheduling a Preliminary Hearing;
- 4) granting such other and further relief as this court deems just and proper.

**ORDERED**, that pending the hearing and determination on this application, the Respondents\Defendants BILL DE BLASIO, MAYOR OF THE CITY OF NEW YORK, in his official capacity; and THE CITY OF NEW YORK, and their agents, servants, employees, attorneys, representatives, assignees, be and thereby are, enjoined and restrained from enforcing EMERGENCY EXECUTIVE ORDER NO. 225 (“EEO 225”), EMERGENCY EXECUTIVE ORDER NO. 226 (“EEO 226”), and EMERGENCY EXECUTIVE ORDER NO. 228 (“EEO 228”), and each Emergency Executive Order extending EEO225, EEO 226, EEO 228, most recently extended by EXECUTIVE ORDER NO. 271 (“EEO 271”), and enjoined and restrained from issuing and/or enforcing any future Emergency Executive Order (“EEO”) extending EEO 225, EEO 226, EEO 228, EEO 271, or any subsequent EEO requiring that a “covered entity” as defined in the EEOs shall not permit a patron, full- or part-time employee, intern, volunteer, or contractor to enter a covered premises without displaying proof of vaccination and identification bearing the same identifying information as the proof of vaccination, and,

**AND**

**IT IS FURTHER ORDERED** that:

That Respondents\Defendants show cause before a term of the Supreme Court to be held at the Kings County Court House 2360 Adams St. #4, Brooklyn, New York 11201, on the \_\_\_\_\_ day of \_\_\_\_\_ 2021, at \_\_\_\_\_ o’clock in the forenoon of the date, or as soon thereafter as counsel may be heard, why a preliminary injunction should not be issued pursuant to the New York State Civil Practice Law and Rules §§ 7801, et. seq. (“CPLR”), CPLR § 3001, and 42 USC § 1983; 28 U.S.C. § 1343(a) enjoining the EEOs and *vaccine passport*, and why such other and further relief should be granted to Petitioners\Plaintiffs that this Court may deem just and proper.

AND

**IT IS FURTHER ORDERED** that:

The Court has considered Petitioner\Plaintiff's request for limited, expedited discovery, and after having carefully weighed the need for discovery at this juncture in the litigation, against any prejudice to the responding party, by considering such factors as the 1) timing and context of discovery requests, including Petitioner\Plaintiff's request for a preliminary injunction hearing which has been scheduled; 2) the scope and purpose of the requests; and 3) the nature of the burden to the defendant, the Court is of the opinion that Respondent-Respondents shall file and serve the following documents and discovery responses on Petitioner\Plaintiff's attorney on or before \_\_\_\_\_November 2021:

- 1) Any and all studies, opinions, papers, data and statistics relied upon, or rejected by Respondent\Defendants, used to determine the perceived necessity for *vaccine passports*, and/or studies, opinions, papers, data and statistics relied upon, or rejected by Respondent\Defendants, used to determine the perceived risks or benefits of *vaccine passports* being imposed in New York City, per the EEOs as a Covid 19 countermeasure.
- 2) Any and all studies, opinions, papers, data and statistics relied upon, or rejected by Respondent\Defendants, used to determine the Infection Fatality Rate (IFR) for those exposed to Covid 19 in New York City.
- 3) Any and all reports, written procedures, documentation, and statistics relied upon, or rejected by Respondents, used to monitor, track and report on the safety and efficacy of the *vaccine passports* being imposed in New York City, per the EEOs as a Covid 19 countermeasure.

**PRIOR RELIEF SOUGHT**

Petitioner sought prior relief in a different action in Richmond County dismissed without prejudice. ROCCO'S BROOKLYN BAKERY d/b/a PASTICCERIA ROCCO, was a party to a previously filed Article 78 Proceeding in the New York State Supreme Court for the County of Richmond, under Index number 85155/2021, bearing the caption *Independent Restaurants Owners Assoc et al v. Bill DeBlasio Mayor et al.*, commenced by petition and Order to Show Cause requesting, inter alia, that a Temporary Restraining Order be granted against enforcement of NYC Emergency Executive Order 225, to prevent severe and irreprovable harm to Plaintiffs/Petitioners, pending determination of the motion brought on by Order to Show Cause.

**SUFFICIENT CAUSE** appearing thereof, let service of a copy of this order, and any other papers upon which this order to show cause is granted, made upon BILL DE BLASIO, MAYOR OF THE CITY OF NEW YORK, in his official capacity; and THE CITY OF NEW YORK, by serving the New York City Law Department, Office of the Corporation Counsel, Attorney for Respondents/Defendants, 100 Church Street, New York, New York 10007, and/or electronically via the electronic mail address for service provided by the Corporation Counsel: [ServiceECF@law.nyc.gov](mailto:ServiceECF@law.nyc.gov).

**ORDERED**, that answering papers, if any, shall be served upon Petitioners\Plaintiffs counsel, Patricia Finn Attorney, P.C., 58 East Route 59, Suite 4, Nanuet, New York 10954, so as to be received in hand by BOTH the Court and Plaintiff's counsel no later than\_\_\_\_\_.M. on \_\_\_\_\_, 2021. Reply papers, if any, shall be served upon Plaintiff's counsel and filed with the Court so as to be received in hand by BOTH the Court and Plaintiff's counsel no later than\_\_\_\_\_.M. on \_\_\_\_\_, 2021.

ENTER

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J.S.C.

