

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CHABAD LUBAVITCH OF THE BEACHES,  
INC.,

Plaintiff,

v.


INCORPORATED VILLAGE OF ATLANTIC  
BEACH; MAYOR GEORGE PAPPAS;  
EDWARD A. SULLIVAN; LINDA L.  
BAESSLER; ANDREW J. RUBIN; and  
PATRICIA BEAUMONT,

Defendants.

Civil Action No. 2:22-cv-04141

ORDER TO SHOW CAUSE FOR A  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Upon the complaint; the declaration of Gordon D. Todd, dated July 14, 2022; the declaration of Eli Goodman, dated July 6, 2022; the declaration of Solomon Perlstein, dated July 6, 2022; and the accompanying memorandum of law, it is hereby:

ORDERED, that defendants show cause before this Court, at Room 1030 United   
States Courthouse, 100 Federal Plaza, Central Islip, New York, on July 29, 2022, at  
9:30 a.m., or as soon thereafter as counsel may be heard, why an order should not be  
issued under Rule 65 of the Federal Rules of Civil Procedure directing that:

1. Defendants shall be enjoined, pending further order from this Court,  
from taking any further action to acquire 2025 Park Street, Atlantic Beach,

New York through eminent domain, and

2. Defendants shall not oppose plaintiff's motion to stay the vesting proceeding pending before the New York Supreme Court (No. 607774/2022).

IT IS FURTHER ORDERED that, sufficient reason having been shown therefor, pending the hearing of Plaintiff's application for a preliminary injunction under Rule 65 of the Federal Rules of Civil Procedure, a temporary restraining order be issued directing that:

1. Defendants shall be temporarily restrained, pending further order from this Court, from taking any further action to acquire 2025 Park Street, Atlantic Beach, New York through eminent domain, and
2. Defendants shall not oppose plaintiff's motion to stay the vesting proceeding pending before the New York Supreme Court (No. 607774/2022), pending further order from this Court.

IT IS FURTHER ORDERED that Plaintiff shall not be required to post any security; however, the Court may re-visit this issue at the Preliminary Injunction hearing;

IT IS FURTHER ORDERED that Defendants shall serve opposition papers to Plaintiff's motion for a preliminary injunction on Plaintiff's counsel by email so that they are received by July 21, 2022 at 5:00 p.m.; and file same with the Court by said deadline;

IT IS FURTHER ORDERED that Plaintiffs shall serve any reply papers in further support of Plaintiffs' motion for a preliminary injunction on Defendants' counsel by email so that they are received by July 25, 2022 at 5:00 p.m., and file same with the Court by said deadline;

IT IS FURTHER ORDERED that personal service, service by mail, or service by electronic mail of the complaint, this Order, and all the papers and pleadings in this action upon counsel for defendants Incorporated Village of Atlantic Beach, Mayor George Pappas, Edward A. Sullivan, Linda L. Baessler, Andrew J. Rubin, and Patricia Beaumont on or before July 15, 2022, at 5:00 p.m. of that day, shall be deemed good and sufficient thereof. Proof of said service is to be filed *JS* thereafter.

⊛  
DATED: July 15, 2022  
Time: 12:13 PM

*JS*  
/s/ Joanna Seybert  
JOANNA SEYBERT  
United States District Judge

⊛ IT IS FURTHER ORDERED that by July 25, 2022 at 5:00 p.m., the parties are to file their List of Witnesses, if any. *JS*