

At IAS Part 16 of the
Supreme Court of the State of New
York, held in and for the County of
New York, located at 60 Centre
Street, New York, New York on the
28th day of March, 2011

PRESENT:
Hon. Judith J. Gusebe JSC

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

Index No. 11/400806

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JASMINE ZHENG and A.T. on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

THE CITY OF NEW YORK, THE NEW YORK CITY
DEPARTMENT OF HOMELESS SERVICES, THE
NEW YORK CITY HUMAN RESOURCES
ADMINISTRATION, SETH DIAMOND, as
Commissioner of the New York City Department of
Homeless Services, and ROBERT DOAR, as
Commissioner of the New York City Human Resources
Administration,

Defendants.

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Upon reading the March 28, 2011 Affirmation of Steven Banks, the March 28th
2011 Affidavits of Jasmine Zheng and A.T., the March 25th, 2011 Affidavit of Joseph Strasburg
and March 25, 2011 Affidavit of Lindsey Davis, the memorandum of law filed therewith, and
the Summons and Complaint, and it appearing that Plaintiffs Jasmine Zheng and A.T., on behalf

ORDER TO
SHOW CAUSE

ORAL
ARGUMENT
REQUESTED

of themselves and all others similarly situated ("Advantage Tenants"), are entitled to relief unless good cause to the contrary be shown, it is:

ORDERED that the City of New York (the "City"), the New York City Department of Homeless Services ("DHS"), the New York City Human Resources Administration ("HRA"), Seth Diamond, as Commissioner of DHS, and Robert Doar, as Commissioner of HRA (collectively, "Defendants") ^{or Counsel shall} appear and show cause before this Court at IAS Part 10, in Room 232 of the Courthouse located at 60 Centre Street, New York, New York, before the Honorable Judith J. Gische on the 21st day of April, 2011 at 2:15 p.m., or as soon thereafter as counsel may be heard, why 1) a preliminary injunction should not be granted, pursuant to CPLR § 6301 *et seq.*, enjoining Defendants, their agents, officers, employees, representatives, and all persons acting on their behalf from discontinuing Advantage subsidy payments to current Advantage Tenants' landlords until the expiration of the Tenants' Advantage Agreements; and 2) an order should not be granted, pursuant to Article 9 of the CPLR, certifying this as a class action with the class defined as all current Advantage Tenants for whom Advantage subsidy payments are still due and owing in accordance with their contracts with Defendants; and it is further

ORDERED, that answering papers to Advantage Tenants motion for a temporary restraining order and a preliminary injunction shall be filed and served on The Legal Aid Society, 199 Water Street, New York, NY, 10038 (attention: Steven Banks, Esq.), and Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY, 10153 (attention: Debra A. Dandeneau, Esq.), as attorneys for Advantage Tenants, by hand delivery or other means that provide for actual delivery on or before April 14, 2011 at 5:00 p.m., and that reply papers to Defendants' answer shall be served and filed on counsel for Defendants, by hand

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Judith
J. Gische JSC

with a copy to the court

delivery or other means that provide for actual delivery on or before April 20, 2011 *with a copy to the court*
at 4:00 p.m.; and it is further

ORDERED that pending the hearing and ~~determination~~ of the Advantage Tenants' motion for a preliminary injunction, Defendants, their agents, officers, employees, representatives, and all persons acting on their behalf, be and hereby are temporarily restrained from discontinuing Advantage subsidy payments to the current Advantage Tenants' landlords until the expiration of the Tenants' Advantage Agreements, and it is further *for further court order*

ORDERED that a copy of this Order to Show Cause and supporting papers ~~be~~ *along with service of the summons and complaint, be* served upon Defendants by service upon Thomas Crane, Office of the Corporation Counsel, 100 Church Street, New York, New York 10007, by hand delivery on 3/28, 2011, and that such shall constitute due and sufficient service thereof.

ENTER:

Ord argument directed
/s/
ISC
Judith J Grebe ISC
3/28/11

/s/
Judith J Grebe ISC
3/28/11