

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

PRESENT: HON. J. MACHELLE SWEETING

PART

62

Justice

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LA BELLE FARM, INC., HVFG, LLC D/B/A HUDSON
VALLEY FOIE GRAS

Plaintiffs,

- v -

THE CITY OF NEW YORK,

Defendant.

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INDEX NO. 656399/2022MOTION DATE 05/20/2022MOTION SEQ. NO. 001

**INTERIM DECISION + ORDER
ON MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60

were read on this motion to/for

PREL INJUNCTION/TEMP REST ORDER


Pending before the court is an order to show cause (“OTSC”) filed by plaintiff seeking an order, pursuant to Civil Practice Law and Rules (“CPLR”) Section 6301, preliminarily enjoining defendant (the “City”) and its agencies, officials, and departments from enforcing New York City Local Law No. 2019/202, *see* N.Y.C. Admin. Code § 17-1901 (“Local Law 202”), pending the hearing and final determination of this action.

Also pending under this motion sequence is a cross-motion filed by the City seeking an order dismissing the Complaint pursuant to Sections 3211(a)(2) and (7) of the New York Civil Practice Law and Rules, on the grounds that plaintiffs fail to state a cause of action.

This OTSC was returnable before the undersigned today. Pursuant to the conference, the underlying records and the oral arguments made on the record, it is hereby:

ORDERED that, pending a decision by the court on the underlying motion challenging the constitutionality of the law and defendant's cross-motion to dismiss, preliminary injunctive relief enjoining defendant City and its agencies, officials, and departments from enforcing Local Law 202 is hereby **GRANTED**.

This is the order of the court.

<u>9/15/2022</u>			
DATE		J. MACHELLE SWEETING, J.S.C.	
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED <input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART <input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT <input type="checkbox"/> REFERENCE