

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

SEQ #3 ✓

In the Matter of the Application of SUZANNE
MCCRORY,

Petitioner,

For a Judgment Pursuant to Article 78 of the CPLR

-against-

VILLAGE OF MAMARONECK

Respondent.

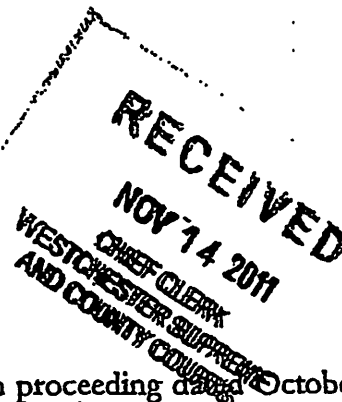
-and-

MAMARONECK BEACH AND YACHT CLUB,
INC., MAMARONECK BEACH AND YACHT
CLUB LLC and TAYLOR POINT ASSOCIATES,
INC.,

Proposed Intervenor-
Respondents.

ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER

Index No. 11-7165



Upon the Decision and Order of this Court in the within proceeding dated October 27, 2011, the Notice of Appeal dated November 14, 2011 on behalf of Proposed Intervenor-Respondents, Mamaroneck Beach and Yacht Club Inc., Mamaroneck Beach and Yacht Club LLC and Taylor Point Associates, Inc. (hereinafter collectively referred to hereafter as "MBYC"), the annexed affidavit of Joel H. Sachs, Esq. sworn to the 14th day of November, 2011, the Confidentiality Order issued by the Westchester County Supreme Court (Lippman, J.) on June 16, 2006 and all prior proceedings had herein, it is

ORDERED that Petitioner Suzanne McCrory (hereinafter "Petitioner") and Respondent Village of Mamaroneck (hereinafter "Village") show cause before this Court on the 1st day of December, 2011 at the County Courthouse, 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York in the Environmental Claims Part of the Court at



2:30 P.M. IN THE AFTERNOON

~~9:30 a.m. in the forenoon~~ of such date or as soon thereafter as counsel can be heard, why an

Order should not be entered pursuant to CPLR §5519(c) enjoining and restraining Respondent Village from transmitting to Petitioner copies of certain confidential portions of the deposition transcripts of the principals of Proposed Intervenor-Respondent MBYC pending the hearing and determination of MBYC's appeal to the Appellate Division, Second Department from the October 27, 2011 Decision and Order of this Court, and

Pending a final determination of the within Order To Show Cause, the Village of Mamaroneck is directed not to release any of the documents in accordance with the Court's Decision and Order dated October 27, 2011 ("Order") to the Petitioner or any third-party who requests some or all of the same documents which are the subject of the Order, pursuant to the Freedom of Information Law of the State of New York.

ORDERED that service of the within Order to Show Cause ~~and Temporary Restraining Order~~ ^{FAORX, OVERNIGHT} and the papers upon which it is based by ~~certified mail, return receipt requested~~ on or before the 14TH day of November, 2011 shall be deemed good and sufficient service.

Dated: : White Plains, New York
November, 14, 2011

SO ORDERED

[Signature]
J.S.C.
Hon. JOAN B. LEFKOWITZ