

**U.S. District Court**  
**Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF**  
**Release 1.3 (Revision 1.3.6)] (Albany)**  
**CIVIL DOCKET FOR CASE #: 1:20-cv-00651-GLS-DJS**

Rev. Steven Soos et al v. Cuomo et al  
Assigned to: Senior Judge Gary L. Sharpe  
Referred to: Magistrate Judge Daniel J. Stewart  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/10/2020  
Jury Demand: None  
Nature of Suit: 440 Civil Rights:  
Other  
Jurisdiction: Federal Question

**Plaintiff**

**Rev. Steven Soos**

represented by **Christopher A. Ferrara**  
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Whitestone, NY 11357  
718-357-1040  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael McHale**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Rev. Nicholas Stamos**

represented by **Christopher A. Ferrara**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael McHale**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Daniel Schonbrun**

represented by **Christopher A. Ferrara**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Michael McHale**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Elchanan Perr**

represented by **Christopher A. Ferrara**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Michael McHale**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mayer Mayerfeld**

represented by **Christopher A. Ferrara**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Michael McHale**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jeanette Ligresti**

*as parent and guardian of infant  
plaintiffs P.L. and G.L*

represented by **Christopher A. Ferrara**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Michael McHale**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Morton Avigdor**

represented by **Christopher A. Ferrara**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Michael McHale**

(See above for address)

*ATTORNEY TO BE NOTICED*

V.

**Intervenor Plaintiff**

**Jenna M. DiMartile**

represented by **Phillip A. Oswald**  
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**Intervenor Plaintiff**

**Justin G. Crawford**

represented by **Phillip A. Oswald**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Bradley M. Markowski**

represented by **Phillip A. Oswald**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**August N. Santore, Jr.**

represented by **Ronald D Coleman**  
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*LEAD ATTORNEY*  
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**Intervenor Plaintiff**

**Matt Shaw**

represented by **Ronald D Coleman**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**James R. Young**

represented by **Ronald D Coleman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Kevin J. Fritschler**

represented by **Ronald D Coleman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Andrew M. Cuomo**

*Governor of the State of New York, in  
his official capacity*

represented by **Adrienne J. Kerwin**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Letitia James**

*Attorney General of the State of New  
York in her official capacity*

represented by **Adrienne J. Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bill De Blasio**

*Mayor of the City of New York, in his  
official capacity*

represented by **Melanie Sadok**  
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**Ellen Parodi**

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**Hilary M. Meltzer**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Keith M. Corlett**  
*Superintendent of the New York State  
Police, in his official capacity*

represented by **Adrienne J. Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Howard A. Zucker**  
*M.D., New York State Commissioner  
of Health, in his official capacity*

represented by **Adrienne J. Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Betty A. Rosa**  
*Interim Commissioner of the New  
York State Education Department, in  
her official Capacity*

represented by **Adrienne J. Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Empire State Development  
Corporation**  
*("ESD"), a New York State Public  
Benefit Corporation*

represented by **Adrienne J. Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dave A. Chokshi**  
*New York City Commissioner of  
Health, in his official capacity*

represented by **Melanie Sadok**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Ellen Parodi**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Terence A. Monahan**  
*Chief of the New York City Police  
Department, in his official capacity*

represented by **Melanie Sadok**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ellen Parodi**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Richard Carranza**  
*Chancellor of the New York City  
Department of Education in his  
official capacity*

represented by **Melanie Sadok**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ellen Parodi**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**ThirdParty Plaintiff**

**Ken McGuire LAW OFFICES OF  
KENNETH MCGUIRE**  
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represented by **Kenneth J. McGuire , Jr.**  
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**ATTORNEY TO BE NOTICED**

**Amicus**

**Ahuva Kleinman**

represented by **Ronald D Coleman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/10/2020	<a href="#"><u>1</u></a>	COMPLAINT against Andrew M. Cuomo, Letitia James, and Bill De Blasio, (Filing fee \$400 receipt number BNYNDC-5139985) filed by Rev. Steven Soos, Rev. Nicholas Stamos, Daniel Schonbrun, Elchanan Perr, and Mayer Mayerfeld. (Attachments: # <a href="#"><u>1</u></a> Exhibits A - T, # <a href="#"><u>2</u></a> Civil Cover Sheet) (kmp) (Entered: 06/11/2020)
06/10/2020	<a href="#"><u>2</u></a>	EMERGENCY MOTION for Temporary Restraining Order filed by Rev. Steven Soos, Rev. Nicholas Stamos, Daniel Schonbrun, Elchanan Perr,

		and Mayer Mayerfeld. (Attachments: # <a href="#">1</a> Unsworn Declaration of George DelGado, M.D., # <a href="#">2</a> Declaration of Christopher Ferrara, Esq., # <a href="#">3</a> Unsworn Declaration of Christopher Ferrara, Esq., # <a href="#">4</a> Memorandum of Law) (kmp) (Entered: 06/11/2020)
06/10/2020	<a href="#">3</a>	SUMMONS ISSUED as to Andrew M. Cuomo (Attachments: # <a href="#">1</a> Summons Issued for Letitia James, # <a href="#">2</a> Summons Issued for Bill De Blasio) (kmp) (Entered: 06/11/2020)
06/10/2020	<a href="#">4</a>	G.O. 25 FILING ORDER ISSUED: Initial In Person Rule 16 Conference set for 9/9/2020 at 9:30 AM in Albany before Magistrate Judge Daniel J. Stewart. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 9/2/2020. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (kmp) (Entered: 06/11/2020)
06/11/2020	<a href="#">5</a>	NOTICE of Admission Requirement as to Party Plaintiffs'; Attorney Michael G. McHale, Email address is mmchale@thomasmoresociety.org. Phone number is 402-501-8586. Admissions due by 6/25/2020. {Copy of Notice of Admission Requirement and General Order #25 emailed to Attorney McHale on 6/11/2020}. (kmp) (Entered: 06/11/2020)
06/11/2020	6	TEXT ONLY ORDER - Pending is plaintiffs' application for a temporary restraining order (TRO) on an expedited basis. (Dkt. No. 2.) The immediacy of plaintiffs' application is apparent because they seek a TRO "restraining Defendants, their agents, employees, and those acting in concert with them from enforcing the Governor's Orders in a manner infringing on Plaintiffs' religious services," which would be effective for the upcoming Sabbath at sundown June 12, 2020, and for Mass on June 14, 2020. (Dkt. No. 2 ¶ 11(a).) The application does not conform with Local Rule 7.1(e), which specifies the order to show cause procedure in this District. Plaintiffs shall remedy their failure to conform with the Local Rules of Practice by 3:00 P.M. today, June 11, 2020. IT IS SO ORDERED. Issued by Senior Judge Gary L. Sharpe on 6/11/2020. (jel, ) (Entered: 06/11/2020)
06/11/2020	<a href="#">7</a>	MOTION for Temporary Restraining Order by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos, Daniel Schonbrun. (Attachments: # <a href="#">1</a> Declaration In support of OTSC under Rule 7.1(e))(Ferrara, Christopher) (Entered: 06/11/2020)
06/11/2020	8	TEXT ONLY ORDER - Pending is plaintiffs' application for a temporary restraining order (TRO), or, in the alternative, preliminary injunction, brought by order to show cause. (Dkt. Nos. 2, 7.) Plaintiffs seek a TRO "restraining Defendants, their agents, employees, and those acting in concert with them from enforcing the Governors Orders in a manner infringing on Plaintiffs' religious services," which would be effective for

		<p>the upcoming Sabbath at sundown on June 12, 2020, and for Mass on June 14, 2020. (Dkt. No. 2 11(a).) The motion is DENIED to the extent it seeks a TRO that would apply to religious services on June 12 or 14 because insufficient time exists to make a reasoned determination with input from defendants before that time, particularly in light of the current circumstances, related to COVID-19, under which all parties and the court are operating. Defendants shall file a response to plaintiffs' motion by June 15, 2020 at 12:00 P.M. Plaintiffs may file a reply by June 16, 2020 at 12:00 P.M. A return on the motion is scheduled for June 17, 2020 at 1:00 P.M. via Skype for Business. The court's deputy clerk will contact the parties with details pertaining to the use of Skype. Plaintiffs shall serve this Text Only Order on defendants immediately by both email and overnight mail. Plaintiffs shall file proof of service with the court immediately following service as prescribed herein. Counsel for defendants shall file a notice of appearance as soon as is practicable upon receipt of this Text Only Order. IT IS SO ORDERED. Issued by Senior Judge Gary L. Sharpe on 6/11/2020. (jel, ) (Entered: 06/11/2020)</p>
06/11/2020	<a href="#">9</a>	<p>CERTIFICATE OF SERVICE by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos, Daniel Schonbrun re 8 Order Setting Hearing on Motion,,,,,, <i>Service by email with certificate for service by overnight mail to follow</i> (Ferrara, Christopher) (Entered: 06/11/2020)</p>
06/11/2020	<a href="#">10</a>	<p>NOTICE of Appearance by Adrienne J. Kerwin on behalf of Andrew M. Cuomo, Letitia James (Kerwin, Adrienne) (Entered: 06/11/2020)</p>
06/11/2020	<a href="#">11</a>	<p>CERTIFICATE OF SERVICE by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos, Daniel Schonbrun re <a href="#">7</a></p> <p>MOTION for Temporary Restraining Order , 8 Order Setting Hearing on Motion,,,,,, <i>Certificate of Service by Overnight Mail</i> (Ferrara, Christopher) (Entered: 06/11/2020)</p>
06/15/2020	<a href="#">12</a>	<p>MOTION for Limited Admission Pro Hac Vice of Melanie V. Sadok Filing fee \$100, receipt number ANYNDC-5143181. filed by Bill De Blasio. (Attachments: # <a href="#">1</a> Exhibit(s) Declaration supporting motion, # <a href="#">2</a> Exhibit(s) Registration, # <a href="#">3</a> Exhibit(s) Petition, # <a href="#">4</a> Exhibit(s) Certificate of good standing) Motions referred to Daniel J. Stewart. (Meltzer, Hilary) (Entered: 06/15/2020)</p>
06/15/2020	<a href="#">13</a>	<p>MOTION for Limited Admission Pro Hac Vice of Ellen Margaret Parodi Filing fee \$100, receipt number ANYNDC-5143189. filed by Bill De Blasio. (Attachments: # <a href="#">1</a> Exhibit(s) Declaration of sponsor, # <a href="#">2</a> Exhibit(s) Registration, # <a href="#">3</a> Exhibit(s) Petition, # <a href="#">4</a> Exhibit(s) Certificate of good standing) Motions referred to Daniel J. Stewart. (Meltzer, Hilary) (Entered: 06/15/2020)</p>
06/15/2020		<p><b>Notice of Filing Deficiency</b> re: <a href="#">12</a> Motion for Limited Admission Pro Hac Vice of Melanie V. Sadok. Pursuant to LR 83.1(d), the sponsor</p>



		and/or applicant <b>MUST</b> provide the following required documents: <b>Completed Declaration of Sponsor, signed and dated New Attorney E-Filing Registration Form.</b> The corrected documents should be electronically filed with the Court by selecting the ' <b>Supplemental Admission documents</b> ' event, which is found under the ' <b>Other Documents</b> ' menu. Once all requirements under LR 83.1(d) have been met, the motion will be forwarded to the assigned Magistrate Judge for consideration. (tad, ) (Entered: 06/15/2020)
06/15/2020		<b>Notice of Filing Deficiency</b> re: <a href="#">13</a> Motion for Limited Admission Pro Hac Vice Ellen Parodi. Pursuant to LR 83.1(d), the sponsor and/or applicant <b>MUST</b> provide the following required documents: <b>Completed Declaration of Sponsor</b> The corrected documents should be electronically filed with the Court by selecting the ' <b>Supplemental Admission documents</b> ' event, which is found under the ' <b>Other Documents</b> ' menu. Once all requirements under LR 83.1(d) have been met, the motion will be forwarded to the assigned Magistrate Judge for consideration. (tad, ) (Entered: 06/15/2020)
06/15/2020	<a href="#">14</a>	Supplemental Admission documents re: <a href="#">13</a> Motion for Limited Admission Pro Hac Vice,. (Meltzer, Hilary) (Entered: 06/15/2020)
06/15/2020	<a href="#">15</a>	Supplemental Admission documents re: <a href="#">12</a> Motion for Limited Admission Pro Hac Vice,. (Meltzer, Hilary) (Entered: 06/15/2020)
06/15/2020	<a href="#">16</a>	Supplemental Admission documents re: <a href="#">12</a> Motion for Limited Admission Pro Hac Vice,. (Meltzer, Hilary) (Entered: 06/15/2020)
06/15/2020	<a href="#">17</a>	RESPONSE in Opposition re <a href="#">7</a> MOTION for Temporary Restraining Order <i>Declaration of Adrienne J. Kerwin with exhibits</i> filed by Andrew M. Cuomo, Letitia James. (Attachments: # <a href="#">1</a> Exhibit(s) 0-40 to Kerwin Decl.)(Kerwin, Adrienne) (Entered: 06/15/2020)
06/15/2020	<a href="#">18</a>	RESPONSE in Opposition re <a href="#">7</a> MOTION for Temporary Restraining Order <i>Memorandum of Law</i> filed by Andrew M. Cuomo, Letitia James. (Kerwin, Adrienne) (Entered: 06/15/2020)
06/15/2020	<a href="#">19</a>	RESPONSE in Opposition re <a href="#">2</a> MOTION for Temporary Restraining Order, <a href="#">7</a> MOTION for Temporary Restraining Order filed by Bill De Blasio. (Attachments: # <a href="#">1</a> Exhibit(s) 1 to Declaration of Ellen Parodi, # <a href="#">2</a> Exhibit(s) 2 to Declaration of Ellen Parodi, # <a href="#">3</a> Exhibit(s) 3 to Declaration of Ellen Parodi, # <a href="#">4</a> Exhibit(s) 4 to Declaration of Ellen Parodi, # <a href="#">5</a> Exhibit(s) 5 to Declaration of Ellen Parodi, # <a href="#">6</a> Exhibit(s) 6 to Declaration of Ellen Parodi, # <a href="#">7</a> Memorandum of Law in opposition to PLAINTIFFS MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION)(jel, ) (Entered: 06/15/2020)

06/15/2020	<a href="#">20</a>	RESPONSE in Opposition re <a href="#">7</a> MOTION for Temporary Restraining Order <i>Declaration of Brad Hutton with Exhibits</i> filed by Andrew M. Cuomo, Letitia James. (Attachments: # <a href="#">1</a> Exhibit(s) A-BB to Hutton Decl.)(Kerwin, Adrienne) (Entered: 06/15/2020)
06/15/2020	21	TEXT ORDER granting <a href="#">12</a> Motion for Limited Admission Pro Hac Vice. Attorney Melanie V. Sadok is hereby admitted to practice in this action on behalf of Defendant Bill De Blasio. <b>Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. <u>You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system.</u></b> Step-by-step instructions on how to complete this process are available at <a href="http://www.nynd.uscourts.gov/attorney-admissions-nextgen">http://www.nynd.uscourts.gov/attorney-admissions-nextgen</a> . Signed by Magistrate Judge Daniel J. Stewart on 6/15/2020. (mab) (Entered: 06/15/2020)
06/15/2020	22	TEXT ORDER granting <a href="#">13</a> Motion for Limited Admission Pro Hac Vice. Attorney Ellen M. Parodi is hereby admitted to practice in this action on behalf of Defendant Bill De Blasio. <b>Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. <u>You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system.</u></b> Step-by-step instructions on how to complete this process are available at <a href="http://www.nynd.uscourts.gov/attorney-admissions-nextgen">http://www.nynd.uscourts.gov/attorney-admissions-nextgen</a> . Signed by Magistrate Judge Daniel J. Stewart on 6/15/2020. (mab) (Entered: 06/15/2020)
06/15/2020	<a href="#">23</a>	NOTICE of Appearance by Ellen Parodi on behalf of Bill De Blasio (Parodi, Ellen) (Entered: 06/15/2020)
06/15/2020	<a href="#">24</a>	NOTICE of Appearance by Melanie Sadok on behalf of Bill De Blasio (Sadok, Melanie) (Entered: 06/15/2020)
06/16/2020	<a href="#">25</a>	MEMORANDUM OF LAW re <a href="#">7</a> Motion for TRO <i>Reply Memorandum in Support of Motion for TRO/Preliminary Injunction</i> filed by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos, Daniel Schonbrun. (Attachments: # <a href="#">1</a> Exhibit(s) Exhibit A to Reply Memo-Transcript of Cuomo press briefing, # <a href="#">2</a> Exhibit(s) Exhibit B to Reply Memo-Gov. Murphy Executive Order 152, # <a href="#">3</a> Exhibit(s) Exhibit C to Reply Memo-Declaration of Plaintiff Mayerfeld)(Ferrara, Christopher) (Entered: 06/16/2020)

06/16/2020	<a href="#">26</a>	CERTIFICATE OF SERVICE by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos, Daniel Schonbrun re <a href="#">25</a>  Memorandum of Law, <i>Certificate of Service for Reply Memo of Law and Exhibits</i> (Ferrara, Christopher) (Entered: 06/16/2020)
06/16/2020	<a href="#">27</a>	Amicus Curiae APPEARANCE entered by Ronald D Coleman on behalf of Ahuva Kleinman. (Attachments: # <a href="#">1</a> Memorandum of Law Proposed Amicus Brief, # <a href="#">2</a> Declaration of Prospective Amicus)(Coleman, Ronald) (Entered: 06/16/2020)
06/17/2020	<a href="#">28</a>	NOTICE of Appearance by Michael McHale on behalf of All Plaintiffs (McHale, Michael) (Entered: 06/17/2020)
06/17/2020		Text Only Minute Entry for proceedings held before Senior Judge Gary L. Sharpe: CRD: John Law; Motion Hearing held on 6/17/2020 re <a href="#">7</a>  MOTION for Temporary Restraining Order and <a href="#">2</a> MOTION for Temporary Restraining Order filed by Elchanan Perr, Daniel Schonbrun, Mayer Mayerfeld, Rev. Steven Soos, Rev. Nicholas Stamos. Appearances Made via Skype: Christopher Ferrara and Michael McHale, Esqs., for plaintiff, Adrienne Kerwin, AAG, for the State defendants, Melanie Sadok and Ellen Parodi, Esqs., for defendant DiBlasio. Court turns to Supreme Court admonition. Court has reviewed all papers. Court turns to facts of the case. Court hears arguments from all parties. Court gives parties until the close of business Monday, June 22, 2020 supplement factual record and brief legal arguments no more than 10 pages in length. Court will render decision shortly thereafter. Parties clarify phase 3 issue as not from executive order but as guidance. (Court Reporter Lisa Tennyson) Time: 1:00-2:10 p.m. (jel, ) (Entered: 06/17/2020)
06/17/2020	<a href="#">29</a>	TRANSCRIPT REQUEST by Andrew M. Cuomo, Letitia James for proceedings held on 6/17/2020 before Judge Sharpe.. (Kerwin, Adrienne) (Entered: 06/17/2020)
06/17/2020	<a href="#">30</a>	TRANSCRIPT REQUEST by Bill De Blasio for proceedings held on June 17, 2020 before Judge Sharpe.. (Parodi, Ellen) (Entered: 06/17/2020)
06/22/2020	<a href="#">31</a>	RESPONSE in Opposition re <a href="#">2</a> MOTION for Temporary Restraining Order, <a href="#">7</a> MOTION for Temporary Restraining Order filed by Bill De Blasio. (Attachments: # <a href="#">1</a> Exhibit(s) Parodi Dec. Exhibit 1, # <a href="#">2</a> Exhibit(s) Parodi Dec. Exhibit 2, # <a href="#">3</a> Exhibit(s) Parodi Dec. Exhibit 3, # <a href="#">4</a> Exhibit(s)

		Parodi Dec. Exhibit 4, # <a href="#">5</a> Exhibit(s) Parodi Dec. Exhibit 5, # <a href="#">6</a> Memorandum of Law)(Parodi, Ellen) (Entered: 06/22/2020)
06/22/2020	<a href="#">32</a>	MEMORANDUM OF LAW re <a href="#">7</a> Motion for TRO <i>Supplemental Memo of Law in Support of Plaintiffs' Motion for TRO/Preliminary Injunction</i> filed by Ahuva Kleinman, Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos. (Attachments: # <a href="#">1</a> Exhibit(s) A - Declaration of Dr. Onder, # <a href="#">2</a> Exhibit(s) B - Declaration of Prof. John Rao, # <a href="#">3</a> Exhibit(s) C- EO 125 of Mayor de Blasio, # <a href="#">4</a> Exhibit(s) D - Statements of Defendants in Support of Demonstrations, # <a href="#">5</a> Exhibit(s) E - Spread Sheet of "Open Lobbies", # <a href="#">6</a> Exhibit(s) F - Restaurants Open in Phase 3, # <a href="#">7</a> Exhibit(s) G - Graphic showing limitation of religious gatherings to 25%)(Ferrara, Christopher) (Entered: 06/22/2020)
06/22/2020	<a href="#">33</a>	RESPONSE in Opposition re <a href="#">7</a> MOTION for Temporary Restraining Order filed by Andrew M. Cuomo, Letitia James. (Attachments: # <a href="#">1</a> Exhibit(s) to Kerwin Decl., # <a href="#">2</a> Declaration of Brad Hutton, # <a href="#">3</a> Exhibit(s) to Hutton Decl., # <a href="#">4</a> Memorandum of Law)(Kerwin, Adrienne) (Entered: 06/22/2020)
06/25/2020	<a href="#">34</a>	REPLY to Response to Motion re <a href="#">7</a> MOTION for Temporary Restraining Order , <a href="#">2</a> MOTION for Temporary Restraining Order -- <i>Proposed Submission</i> filed by Ahuva Kleinman. (Attachments: # <a href="#">1</a> Exhibit(s) NYS Guidelines for Religious and Funeral Services)(Coleman, Ronald) (Entered: 06/25/2020)
06/26/2020	<a href="#">35</a>	MEMORANDUM-DECISION AND ORDER - That plaintiffs' application for a preliminary injunction (Dkt. Nos. 2,7) is <b>GRANTED</b> . That defendants are <b>ENJOINED</b> and <b>RESTRAINED</b> as follows: (1) from enforcing any indoor gathering limitations against plaintiffs greater than imposed for Phase 2 industries, provided that plaintiffs follow social distancing requirements as set forth in the applicable executive orders and guidance; and (2) from enforcing any limitation for outdoor gatherings provided that participants in such gatherings follow social distancing requirements as set forth in the applicable executive orders and guidance. That Kleinman's motion for leave to appear as amicus curiae (Dkt. No. 27) is <b>DENIED</b> . Signed by Senior Judge Gary L. Sharpe on 6/26/2020. (jel, ) (Entered: 06/26/2020)
06/29/2020	<a href="#">36</a>	TRANSCRIPT of Proceedings: Motion Hearing held on June 17, 2020, before Judge Gary L. Sharpe, Court Reporter: Lisa L. Tennyson, Telephone number: (518) 257-1823. <b>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS:</b> In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal

		information is located on the court website at <a href="http://www.nynd.uscourts.gov">www.nynd.uscourts.gov</a> . <u>Read this policy carefully.</u> If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available on the web 90 days from today's date. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/20/2020. Redacted Transcript Deadline set for 7/30/2020. Release of Transcript Restriction set for 9/28/2020. Notice of Intent to Redact due by 7/6/2020 (lt, ) (Entered: 06/29/2020)
06/30/2020	<a href="#">37</a>	MOTION for Preliminary Injunction Motion Hearing set for 7/1/2020 02:00 PM in Albany before Senior Judge Gary L. Sharpe Response to Motion due by 6/15/2020 Reply to Response to Motion due by 6/22/2020. filed by Ken McGuire LAW OFFICES OF KENNETH MCGUIRE. (McGuire, Kenneth) (Entered: 06/30/2020)
07/01/2020	38	TEXT ONLY ORDER - Pending is an "Application for Preliminary Injunction" filed by Kenneth McGuire, an attorney admitted to practice in this court in 1994, who represents no parties to this action. (Dkt. No. 37.) It is not at all clear who or what McGuire represents. He purports to seek relief on behalf of "Auto racing facilities located and operating in the State of New York... including, but not limited to, Lebanon Valley Speedway, W. Lebanon, N.Y." (Id. at 1.) McGuire argues that the court's June 26, 2020 Memorandum-Decision and Order applies to the interests that he represents. (Id. at 2-4.) Among other things, the application is procedurally improper. It was filed by an attorney who represents undisclosed entities that are not parties to this action. It is not compliant with Rule 7.1 of the Local Rules of Practice either. Lastly, the motion is obviously without merit, and arguably frivolous. For all of these reasons, the application for a preliminary injunction (Dkt. No. 37) is DENIED. IT IS SO ORDERED. Issued by Senior Judge Gary L. Sharpe on 7/1/2020. (jel, ) (Entered: 07/01/2020)
07/02/2020	<a href="#">39</a>	Letter Motion from Adrienne J. Kerwin for Andrew M. Cuomo, Letitia James requesting court approval of stipulated date by which to respond to the complaint, and adjournment of Rule 16 conference and associated dates submitted to Judge Stewart . (Kerwin, Adrienne) (Entered: 07/02/2020)
07/07/2020	40	TEXT ORDER granting the joint <a href="#">39</a> Letter Request to extend the time in which all Defendants are to file a response to the Complaint in this matter and to reschedule the Rule 16 Initial Conference and corresponding deadlines. Defendants shall file a response to the Complaint on or before September 15, 2020. The Rule 16 Initial Conference is RESCHEDULED to September 30, 2020 at 10:00 AM

		before the undersigned. Counsel are directed to file a proposed Civil Case Management Plan and exchange Mandatory Disclosures on or before September 23, 2020. Pursuant to Local Rule 26.2, Mandatory Disclosures are to be exchanged among the parties but are NOT to be filed with the Court. SO ORDERED by Magistrate Judge Daniel J. Stewart on 7/7/2020. (mab) (Entered: 07/07/2020)
07/20/2020	<a href="#">41</a>	PETITION TO INTERVENE AS A PLAINTIFF OF INTERVENOR filed by Christopher Earl Strunk. (Attachments: # <a href="#">1</a> Letter, # <a href="#">2</a> Envelope) Motions referred to Magistrate Judge Daniel J. Stewart. (kmp) (Entered: 07/21/2020)
07/21/2020	42	TEXT ONLY ORDER --- Pending is proposed intervenor Christopher Earl Strunk's motion to intervene. (Dkt. No. 41.) The motion fails to satisfy the requirement that it "must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought." Fed. R. Civ. P. 24(c). And, in any event, it is not apparent that Strunk "has a claim or defense that shares with the main action a common question of law or fact" such that permissive intervention, the only apparent basis for intervention here, would be warranted. Fed. R. Civ. P. 24(b)(1)(B). For these reasons, the motion, (Dkt. No. 41), is DENIED. IT IS SO ORDERED. Issued by Senior Judge Gary L. Sharpe on 7/21/2020. (Copy served via regular mail upon movant)(jel, ) (Entered: 07/21/2020)
07/24/2020	<a href="#">43</a>	MOTION for Reconsideration as to the # 42 TEXT ONLY ORDER on Motion to Intervene filed by Christopher Earl Strunk. (Attachments: # <a href="#">1</a> Envelope) (kmp) (Entered: 07/24/2020)
07/24/2020	<a href="#">44</a>	MOTION for Preliminary Injunction filed by Jenna M. DiMartile, Justin G. Crawford, Bradley M. Markowski. (Attachments: # <a href="#">1</a> Declaration of Phillip Oswald in support, # <a href="#">2</a> Memorandum of Law of Phillip Oswald in support, # <a href="#">3</a> Proposed Intervener Complaint, # <a href="#">4</a> Exhibit(s) A-J to Proposed Intervener Complaint, # <a href="#">5</a> Declaration of Lucas James with Exhibits in support) (Oswald, Phillip) (Entered: 07/24/2020)
07/27/2020	<a href="#">45</a>	NOTICE OF APPEAL as to <a href="#">35</a> Order on Motion for TRO,,,,,, by Andrew M. Cuomo, Letitia James. Filing fee \$ 505, receipt number ANYNDC-5185883. (Kerwin, Adrienne) (Entered: 07/27/2020)
07/27/2020	<a href="#">46</a>	NOTICE OF APPEAL as to <a href="#">35</a> Order on Motion for TRO,,,,,, and <i>Preliminary Injunction</i> by Bill De Blasio. Filing fee \$ 505, receipt number ANYNDC-5185923. (Sadok, Melanie) (Entered: 07/27/2020)
07/27/2020	<a href="#">47</a>	Emergency MOTION for Temporary Restraining Order by August N. Santore, Jr, Matt Shaw, James R. Young, Kevin J. Fritschler. (Attachments: # <a href="#">1</a> Declaration Counsel pursuant to Local R. 7.1(c),



		# <a href="#">2</a> Proposed complaint, # <a href="#">3</a> Memorandum of Law, # <a href="#">4</a> Declaration August N. Santore, Jr., # <a href="#">5</a> Declaration Matt Shaw, # <a href="#">6</a> Declaration James R. Young, # <a href="#">7</a> Declaration Kevin J. Frischler)(Coleman, Ronald) (Entered: 07/27/2020)
07/28/2020	<a href="#">48</a>	ELECTRONIC NOTICE AND CERTIFICATION sent to US Court of Appeals as to the # <a href="#">45</a> Notice of Appeal and # <a href="#">46</a> Notice of Appeal. (kmp) (Entered: 07/28/2020)
07/28/2020	49	TEXT ONLY ORDER - Pending is proposed intervenor Christopher Earl Strunk's motion for reconsideration, (Dkt. No. 43), of the court's text only order, which denied his motion to intervene, (Dkt. No. 42). Motions for reconsideration proceed in the Northern District of New York under Local Rule 7.1(g). "In order to prevail on a motion for reconsideration, the movant must satisfy stringent requirements." In re C-TC 9th Ave. P'ship, 182 B.R. 1, 2 (N.D.N.Y. 1995). Such motions "will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995) (citation omitted). The prevailing rule "recognizes only three possible grounds upon which motions for reconsideration may be granted; they are (1) an intervening change in controlling law, (2) the availability of new evidence not previously available, or (3) the need to correct a clear error of law or prevent manifest injustice." In re C-TC 9th Ave. P'ship, 182 B.R. at 3 (citation omitted). Strunk has completely failed to meet the stringent standard for reconsideration and his motion, (Dkt. No. 43), is, therefore, denied. IT IS SO ORDERED. Issued by Senior Judge Gary L. Sharpe on 7/28/2020. (Copy served via regular mail to Christopher Earl Strunk)(jel, ) (Entered: 07/28/2020)
07/28/2020	50	TEXT ONLY ORDER - Pending are two motions, which seek, among other things, permissive intervention pursuant to Rule 24(b)(1) of the Federal Rules of Civil Procedure. (Dkt. Nos. 44, 47.) As that rule indicates, "[o]n timely motion, the court may permit anyone to intervene who... has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1). "In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3). Having carefully reviewed the submissions of both groups of proposed intervenors, (Dkt. Nos. 44, 47), the court is unpersuaded that it should exercise its great discretion. In the broadest terms, there are common questions of law or fact and the motions are likely timely, but the delay and prejudice to the parties in this matter, all of whom are represented by competent counsel capable of effectively advancing the interests of the parties they represent, that would result from permitting intervention, even if not overwhelming, requires denial of

		the motions. Accordingly, both motions to intervene, (Dkt. Nos. 44, 47), are DENIED; and the motions are denied in all other respects as moot. IT IS SO ORDERED. Issued by Senior Judge Gary L. Sharpe on 7/28/2020. (jel, ) (Entered: 07/28/2020)
09/10/2020	<a href="#">51</a>	Letter Motion for Bill De Blasio requesting Extension of Time to Respond to Complaint and Associated Dates submitted to Judge Stewart . (Parodi, Ellen) (Entered: 09/10/2020)
09/14/2020	52	TEXT ORDER: On September 10, 2020, Defendants jointly filed a Letter Request seeking an extension of time to file a response to the Complaint in this matter. Dkt. No. <a href="#">51</a> . Based upon the reasons set forth in the submission and upon the consent of the parties, the request is GRANTED and Defendants shall file an Answer or otherwise respond to the Complaint by October 2, 2020. The Rule 16 Initial Conference set for September 30, 2020 before the undersigned and the deadline for the parties to submit a proposed Civil Case Management Plan and exchange Mandatory Disclosures are ADJOURNED without date and will be rescheduled upon the filing of Defendants' Answers. SO ORDERED by Magistrate Judge Daniel J. Stewart on 9/14/2020. (mab) (Entered: 09/14/2020)
10/02/2020	<a href="#">53</a>	ANSWER to <a href="#">1</a> Complaint, by Bill De Blasio.(Sadok, Melanie) (Entered: 10/02/2020)
10/02/2020	<a href="#">54</a>	ANSWER to <a href="#">1</a> Complaint, by Andrew M. Cuomo, Letitia James.(Kerwin, Adrienne) (Entered: 10/02/2020)
10/08/2020	<a href="#">55</a>	STATUS REPORT by Bill De Blasio. (Sadok, Melanie) (Entered: 10/08/2020)
10/08/2020	<a href="#">56</a>	STATUS REPORT <i>Plaintiffs' Reply to Defendant de Blasio's "status report"</i> by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos. (Attachments: # <a href="#">1</a> Exhibit(s))(Ferrara, Christopher) (Entered: 10/08/2020)
10/09/2020	<a href="#">57</a>	AMENDED COMPLAINT <i>and Exhibits</i> against All Defendants filed by Elchanan Perr, Rev. Steven Soos, Rev. Nicholas Stamos, Mayer Mayerfeld.(Ferrara, Christopher) Modified on 10/13/2020 to correct the text and specify who filed the amended complaint. (kmc) (Entered: 10/09/2020)
10/09/2020	<a href="#">58</a>	Second MOTION for Temporary Restraining Order by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos. (Attachments: # <a href="#">1</a> Memorandum of Law In support of OTSC under Rule 7.1(e))(Ferrara, Christopher) (Entered: 10/09/2020)



10/09/2020	<a href="#">59</a>	STATUS REPORT <i>re application for OTSC</i> by Mayer Mayerfeld, Elchanan Perr, Rev. Nicholas Stamos, Rev. Steven Soos. (Ferrara, Christopher) (Entered: 10/09/2020)
10/09/2020	60	TEXT ONLY ORDER - Pending is plaintiffs' second application for a temporary restraining order (TRO) on an expedited basis. (Dkt. No. 58.) Plaintiffs also filed an amended complaint. (Dkt. No. 57.) A review of the papers seems to reflect that plaintiffs have added new defendants, which have not been served, as well as new claims, which plaintiffs appear to argue are subject to the court's prior orders. Accordingly, the second application for a TRO is denied with leave to renew once plaintiffs have properly served defendants, and notified the court as such. Further, plaintiffs are directed to update their status report, (Dkt. No. 56). Issued by Senior Judge Gary L. Sharpe on 10/9/2020. (jel, ) (Entered: 10/09/2020)
10/09/2020	<a href="#">61</a>	REQUEST FOR ISSUANCE OF SUMMONS(ES): Daniel Schonbrun is requesting summons(es) be issued as to (Ferrara, Christopher) (Entered: 10/09/2020)
10/09/2020	<a href="#">62</a>	REQUEST FOR ISSUANCE OF SUMMONS(ES): Elchanan Perr is requesting summons(es) be issued as to (Ferrara, Christopher) (Entered: 10/09/2020)
10/09/2020	<a href="#">63</a>	REQUEST FOR ISSUANCE OF SUMMONS(ES): Mayer Mayerfeld is requesting summons(es) be issued as to (Ferrara, Christopher) (Entered: 10/09/2020)
10/09/2020	<a href="#">64</a>	REQUEST FOR ISSUANCE OF SUMMONS(ES): Daniel Schonbrun is requesting summons(es) be issued as to (Ferrara, Christopher) (Entered: 10/09/2020)
10/09/2020	<a href="#">65</a>	REQUEST FOR ISSUANCE OF SUMMONS(ES): Elchanan Perr is requesting summons(es) be issued as to (Ferrara, Christopher) (Entered: 10/09/2020)
10/09/2020	<a href="#">66</a>	REQUEST FOR ISSUANCE OF SUMMONS(ES): Mayer Mayerfeld is requesting summons(es) be issued as to (Ferrara, Christopher) (Entered: 10/09/2020)
10/09/2020	<a href="#">67</a>	REQUEST FOR ISSUANCE OF SUMMONS(ES): Daniel Schonbrun is requesting summons(es) be issued as to (Ferrara, Christopher) (Entered: 10/09/2020)
10/13/2020	<a href="#">68</a>	SUMMONS ISSUED as to Keith M. Corlett (Attachments: # <a href="#">1</a> Summons Issued for Howard A. Zucker, # <a href="#">2</a> Summons Issued for Betty A. Rosa, # <a href="#">3</a> Summons Issued for Empire State Development Corporation, # <a href="#">4</a> Summons Issued for Dave A. Chokshi, # <a href="#">5</a> Summons Issued for Terence A. Monahan, # <a href="#">6</a> Summons Issued for Richard Carranza)(kmc) (Entered: 10/13/2020)

10/13/2020		***Answer due date updated for Andrew M. Cuomo answer due 10/23/2020; Bill De Blasio answer due 10/23/2020; Letitia James answer due 10/23/2020. (kmc) (Entered: 10/13/2020)
10/15/2020	<a href="#">69</a>	Third MOTION for Temporary Restraining Order <i>Order to Show Cause, Memo of Law and Exhibits and Declarations of plaintiffs Avigdor, Ligresti, Mayerfeld, Perr and Schonbrun</i> by Morton Avigdor.(Ferrara, Christopher) (Entered: 10/15/2020)
10/15/2020	<a href="#">70</a>	STATUS REPORT <i>per Court's directive</i> by Morton Avigdor. (Ferrara, Christopher) (Entered: 10/15/2020)
10/15/2020	<a href="#">71</a>	SUMMONS Returned Executed by Jeanette Ligresti. Empire State Development Corporation served on 10/15/2020, answer due 11/5/2020. (Ferrara, Christopher) (Entered: 10/15/2020)
10/15/2020	<a href="#">72</a>	LETTER dated 10/12/20 from non-party Peter L. Grioco. { With attached envelope } (kmc) (Entered: 10/16/2020)
10/16/2020	<a href="#">73</a>	AFFIDAVIT of Service for Summons, Verified Complaint, First Amended Verified Complaint, Filing Order/General Order #25, Amended Order to Show Cause, [Updated] Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary Injunction, Exhibits, and Unsworn Declarations of Elchanan Perr, Jeanette Ligresti, Mayer Mayerfeld, Daniel Schonbrun, and Morton Avigdor served on Co-defendant Keith M. Corlett on October 15, 2020, filed by Morton Avigdor. (Ferrara, Christopher) (Entered: 10/16/2020)
10/16/2020	<a href="#">74</a>	AFFIDAVIT of Service for Summons, Verified Complaint, First Amended Verified Complaint, Filing Order/General Order #25, Amended Order to Show Cause, [Updated] Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary Injunction, Exhibits, and Unsworn Declarations of Elchanan Perr, Jeanette Ligresti, Mayer Mayerfeld, Daniel Schonbrun, and Morton Avigdor served on Co-defendant Betty A. Rosa on October 15, 2020, filed by Elchanan Perr. (Ferrara, Christopher) (Entered: 10/16/2020)
10/16/2020	<a href="#">75</a>	AFFIDAVIT of Service for Summons, Verified Complaint, First Amended Verified Complaint, Filing Order/General Order #25, Amended Order to Show Cause, [Updated] Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary Injunction, Exhibits, and Unsworn Declarations of Elchanan Perr, Jeanette Ligresti, Mayer Mayerfeld, Daniel Schonbrun, and Morton Avigdor served on Co-defendant Howard A. Zucker, M.D. on October 15, 2020, filed by Mayer Mayerfeld. (Ferrara, Christopher) (Entered: 10/16/2020)

10/16/2020	76	TEXT ONLY ORDER - Plaintiffs have filed an application for a temporary restraining order, or, in the alternative, preliminary injunction, brought by order to show cause. (Dkt. No. 69.) Plaintiffs apparently seek to preclude enforcement of Governor Cuomo's Executive Order 202.68, and, arguably, to litigate compliance with the court's order already in place, (Dkt. No. 35). The court will take no action until defendants have had an opportunity to respond to the current application, and all parties have had an opportunity to weigh in on whether a hearing is necessary to resolve any factual issues. Defendants shall file a response to plaintiffs' application on or before October 20, 2020 at 12:00PM. Plaintiffs may file a reply on or before October 21, 2020 at 12:00PM. A video conference via Skype will be scheduled thereafter. Plaintiffs shall serve a copy of this Text Only Order on defendants who have not yet appeared by overnight mail and electronic mail, if available. Finally, all parties who have not yet done so, shall file a notice of appearance immediately. <b>IT IS SO ORDERED.</b> Issued by Senior Judge Gary L. Sharpe on 10/16/2020. (jel, ) (Entered: 10/16/2020)
10/16/2020	<a href="#">77</a>	NOTICE of Appearance by Melanie Sadok on behalf of Richard Carranza, Dave A. Chokshi, Terence A. Monahan (Sadok, Melanie) (Entered: 10/16/2020)
10/16/2020	<a href="#">78</a>	NOTICE of Appearance by Adrienne J. Kerwin on behalf of Keith M. Corlett, Andrew M. Cuomo, Empire State Development Corporation, Letitia James, Betty A. Rosa, Howard A. Zucker (Kerwin, Adrienne) (Entered: 10/16/2020)
10/16/2020	<a href="#">79</a>	NOTICE of Appearance by Ellen Parodi on behalf of Richard Carranza, Dave A. Chokshi (Parodi, Ellen) (Entered: 10/16/2020)
10/16/2020	<a href="#">80</a>	NOTICE of Appearance by Ellen Parodi on behalf of Terence A. Monahan (Parodi, Ellen) (Entered: 10/16/2020)
10/16/2020	<a href="#">81</a>	NOTICE of Appearance by Christopher A. Ferrara on behalf of Morton Avigdor, Jeanette Ligresti (Ferrara, Christopher) (Entered: 10/16/2020)
10/16/2020	<a href="#">82</a>	NOTICE of Appearance by Michael McHale on behalf of Morton Avigdor, Jeanette Ligresti (McHale, Michael) (Entered: 10/16/2020)

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