

At IAS Part 36 of the Supreme Court of the State of New York, held in and for the County of Suffolk, at the Courthouse, at 1 Court Street, Riverhead, New York, New York, on the 19th day of November, 2020

WARNING:

**YOUR FAILURE TO APPEAR IN COURT MAY
RESULT IN YOUR IMMEDIATE ARREST AND
IMPRISONMENT FOR CONTEMPT OF COURT.**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

In the Matter of the Application of

HON. ELLEN GESMER, HON. DAVID FRIEDMAN,
HON. SHERI S. ROMAN, HON. JOHN M. LEVENTHAL,
and DANIEL J. TAMBASCO,

Petitioners-Plaintiffs,

For a Judgment under Article 78 of the CPLR

- against -

THE ADMINISTRATIVE BOARD OF THE NEW YORK
STATE UNIFIED COURT SYSTEM, JANET DIFIORE,
AS CHIEF JUDGE OF THE NEW YORK STATE
UNIFIED COURT SYSTEM, and LAWRENCE K.
MARKS, AS CHIEF ADMINISTRATIVE JUDGE OF
THE NEW YORK STATE UNIFIED COURT SYSTEM,

Respondents-Defendants.

Index No. 616980/2020

**ORDER TO SHOW CAUSE
FOR A FINDING
OF CONTEMPT
AGAINST RESPONDENTS
[Interim Relief Requested]**

**PLEASE TAKE NOTICE THAT A PURPOSE OF
THIS HEARING IS TO PUNISH RESPONDENTS
FOR A CONTEMPT OF COURT AND SUCH
PUNISHMENT MAY CONSIST OF A FINE OR
IMPRISONMENT OR BOTH ACCORDING TO
LAW.**

UPON reading and filing the annexed Affirmation of Urgency of James M. Catterson,

AB
JSC

dated November 18, 2020, the Affirmation of Danielle C. Lesser, dated November 18, 2020, the exhibits annexed thereto, the accompanying memorandum of law, and all prior proceedings had herein, *including oral argument held on November 18 and 19, 2020* and there having been no prior motion for the relief requested herein:

LET Respondents the Administrative Board of the New York State Unified Court System (the "Administrative Board"), Chief Judge Janet DiFiore, and Chief Administrative Judge Lawrence K. Marks (collectively, the "Respondents") show cause before this Court at Part 36 of the Supreme Court of the State of New York for the County of Suffolk, at the Courthouse thereof, 1 Court Street, Riverhead, New York, on the 30th day of November, 2020 at 9:30 why the Court should not enter an Order granting the following relief, pursuant to Jud. L. § 753:

- (a) holding Respondents in civil contempt for violating this Court's signed Order to Show Cause, dated November 5, 2020 (the "Order"), which authorized Petitioners-Plaintiffs to seek expedited discovery in connection with their Verified Petition and Complaint, including a number of the document requests and notices of deposition submitted by Petitioners-Plaintiffs along with their proposed order to show cause;
- (b) directing Respondents to purge their contempt by complying with the expedited discovery authorized by this Court in its Order, including the document requests and notices of deposition submitted to this Court by Petitioners-Plaintiffs;
- (c) denying Respondents' Cross-Motion, dated November 13, 2020 (the "Cross-Motion"), in particular the portion seeking a protective order from this Court's Order;
- (d) granting Petitioners-Plaintiffs such other and further relief as this Court may deem just and proper, and,

Sufficient cause having been shown, it is hereby **ORDERED** that, pending the hearing

and determination of the motion:

AB
JSC

The Respondents - Defendants shall, consistent with this Court's order dated November 5, 2020, directing expedited discovery, respond to the Petitioners' - Plaintiffs' Revised First Set of Document Requests dated November 18, 2020, by November 30, 2020,

~~the expedited discovery, as already authorized in this Court's Order, and produce documents to Petitioners no later than November 23, 2020, and make Chief Judge DiFiore and Chief Administrative Judge Marks available for depositions to occur at the Courthouse located at 1 Court Street, Riverhead, New York, on November 23, 2020, and November 24, 2020, respectively; and~~

be conducted virtually on December 2,

2020, and December 4, 2020

~~2. the Court intends to draw an adverse inference concerning the content of the documents that Respondents have been ordered to produce in the event that Respondents fail to produce documents on or before November 23, 2020, as ordered above; and it is further;~~

ORDERED that service of a copy of this Order and the papers upon which it is granted (collectively, the "OSC"), by e-filing a copy of this order on or before November 20, 2020, and further upon Respondents' attorney Elizabeth Forman, Office of Court Administration, 25 Beaver Street, New York, New York 10004, by e-mail to EForman@nycourts.gov, ~~with a copy sent by overnight courier on or before November __, 2020,~~ shall be deemed good and sufficient service; and it is further

ORDERED that opposition papers, if any, shall be served upon Petitioners-Plaintiffs' counsel via e-filing on or before the 29th day of November, 2020; ~~and it is further~~

~~**ORDERED** that reply papers, if any, shall be served upon Respondents' attorneys via e-filing on or before the __ day of __, 2020.~~

*FJM
JSC*

ENTER:

GRANTED
NOV 19 2020
JUDITH A. PASCALE
Clerk of Suffolk County

Paul J. Baisley, Jr.
J. S. C.

HON. PAUL J. BAISLEY, JR.