

exparte motion office
At ~~Part~~ of the Supreme Court of the
State of New York, County of New York,
held at the Courthouse, located at 60
Centre Street, New York, New York,
on the 29th day of May, 2025.

PRESENT: **HON. DENIS REO**
HON. AJ.S.C. AJ.S.C. As Exparte Judge Only

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

In the Matter of the Application of

DIANE MACK as Vice President of SCHOMBURG
RESIDENTS' COUNCIL, INC., JOYCE SHORT as
President of ROOSEVELT LANDINGS TENANTS'
ASSOCIATION, BRIDGETTE SCOTT as President of
MILES and PARKER TENANTS' ASSOCIATION,

Petitioners,

-against-

NEW YORK STATE PUBLIC SERVICE
COMMISSION, L+M DEVELOPMENT PARTNERS
LLC, C+C APARTMENT MANAGEMENT LLC,
HERITAGE HOLDINGS LLC, RIVER CROSSING
OWNER LLC, ROOSEVELT LANDINGS OWNER
LLC, MILES AND PARKER OWNER LLC,

Respondents,

For a Judgment Pursuant to Article 78, and for
Ancillary Declaratory and Injunctive Relief under
Articles 30 and 63 of the Civil Practice Law and Rules.

MS # 1

Index No.: 161411/2025

ORDER TO SHOW CAUSE FOR TEMPORARY RESTRAINING ORDER

Upon the annexed Attorney's Affirmation of F. William Salo, Esq., dated August 26, 2025, together with the Affirmation of Diane Mack dated August 26, 2025, the Verified Petition under CPLR Article 78, and all exhibits and supporting papers submitted therewith,

LET THE RESPONDENTS above-named **SHOW CAUSE** before this Court at IAS Part 41, Room 327, located at 80 Centre Street, New York, NY ~~10007~~¹⁰⁰¹³, on the 23rd day of September ~~August~~, 2025, at 2:15 a.m./~~p.m.~~, or as soon thereafter as counsel may be heard, why an Order should not be entered pursuant to CPLR 6301 and 3001 as follows:

1. Pursuant to CPLR Article 78, annulling and vacating the April 28, 2025 Order of the Public Service Commission ("PSC") authorizing the commencement of electric submetering at the Affected Buildings;
2. Pursuant to CPLR 3001, declaring that Respondent Landlord is unfit to serve as a submeterer;
3. Granting such other and further relief as the Court may deem just and proper.

LET SERVICE of a copy of this Order to Show Cause, together with the papers upon which it is based, by (choose one or more):

- ☐ personal service,
- ☒ overnight delivery,
- ☐ or electronic service with confirmation of receipt,

upon the ~~defendants~~^{respondent} or their attorneys on or before the 5 day of September 2025, be deemed sufficient service. ~~Plaintiffs'~~^{Petitioners} counsel shall file proof of service with the Court on or before the return date set forth above.

SUFFICIENT CAUSE APPEARING THEREFOR, it is further:

ORDERED that, pending the hearing of this motion, and pursuant to CPLR 6313(a), a **Temporary Restraining Order** (TRO) is hereby granted enjoining and restraining Respondent Landlord, and all those acting in concert with him, from:

1. Commencing or implementing any submetering program at the Affected Buildings;
2. Issuing submetered electricity charges to tenants;
3. Taking any steps to terminate or threaten termination of tenants' electricity service based on nonpayment of submetered charges;
4. Taking any steps to evict any tenant for nonpayment of submetered electricity charges added as rent;

until the return date of this application and further order of this Court.

IT IS FURTHER ORDERED that on the return date of this application, Petitioners shall seek a preliminary injunction enjoining Respondent Landlord from commencing submetering during the pendency of this proceeding.

ORAL ARGUMENT

DIRECTED

Denis Reo
HON. DENIS REO
A.J.S.C.

ENTER:

Denis Reo
HON. DENIS REO
A.J.S.C.