

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

WILDLIFE PRESERVATION COALITION OF
EASTERN LONG ISLAND, by its president WENDY
CHAMBERLIN, ANIMAL WELFARE INSTITUTE,
HUNTERS FOR DEER, LLC, LONG ISLAND
ORCHESTRATING FOR NATURE, THE EVELYN
ALEXANDER WILDLIFE RESCUE CENTER, INC.,
ISABELLE KANZ, BARBARA McADAM,
PATRICK McBRIDE and MICHAEL TESSITORE,

Petitioners-Plaintiffs,


- against -

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION, JOE
MARTENS, in his capacity as Commissioner of NEW
YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION, THE LONG
ISLAND FARM BUREAU, THE VILLAGE OF
NORTH HAVEN, and JOHN DOES,

Respondents-Defendants.

PLEASE NOTE THAT A COPY OF THIS
DECISION/ORDER WITH THE ORIGINAL
MOTION PAPERS ARE BEING FILED BY
CHAMBERS WITH THE COUNTY CLERK.
THE ORIGINAL DECISION/ORDER IS
BEING RETURNED TO THE PREVAILING
PARTY, TO COMPLY WITH CPLR §2220.

**ORDER TO SHOW CAUSE
FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

 Personal appearance is
required. All original
papers shall be filed with
the Court Clerk.

Index No.: 1245-14



TO THE ABOVE NAMED RESPONDENT-DEFENDANT NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

PLEASE TAKE NOTICE, that, upon the annexed Affirmation of Jeffrey S. Baker, Esq.,
with Exhibits, dated March 5, 2014, the memorandum of law, dated March 6, 2014, the
Affidavits of Laura Simon, Wendy Chamberlin, Marilyn Flynn, Barbara McAdam, and Michael
Tessitore, and all prior pleadings and proceedings herein, RESPONDENT-DEFENDANT NEW
YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ("DEC") is
hereby

ORDERED to SHOW CAUSE before this Court, at a special term to be held at the Albany County Supreme Court, 16 Eagle Street, Albany, New York, on March 28, 2014 at 9:30 o'clock ^{forenoon} or as soon thereafter as counsel may be heard, why the petition should not be granted and why the preliminary injunction should not issue, pursuant to CPLR §6301 and §6311, granting the following relief: a) enjoining Respondent-Defendant New York State Department of Environmental Conservation ("DEC") from processing any applications and issuing any Deer Damage Permits ("DDPs", also referred to as Nuisance Permits) to applicants and/or for properties located in Suffolk County until information on DEC's historic issuance of DDPs is furnished to Petitioners-Plaintiffs and until Respondent-Defendant DEC has complied with SEQRA and conducted an environmental assessment and an environmental impact statement on the effects of the proposed large-scale cull in Suffolk County, b) ordering the suspension of any DDPs issued by Respondent-Defendant DEC to applicants and/or for properties located in Suffolk County until information on DEC's historic issuance of DDPs is furnished to Petitioners-Plaintiffs and until Respondent-Defendant DEC has complied with SEQRA and conducted an environmental assessment and an environmental impact statement on the effects of the proposed large-scale deer cull in Suffolk County.

Based on the above, it appearing that Petitioners-Plaintiffs are likely to succeed on the merits of these claims against the Respondent-Defendant and that immediate and irreparable injury will ensue if the Respondent-Defendant is not immediately restrained before the above hearing can be held, and that the equities clearly balance in favor of the Petitioners-Plaintiffs, it is hereby,

SUFFICIENT CAUSE APPEARING THEREFOR, ORDERED, pursuant to CPLR §6313, that, pending the hearing and determination of this motion, Respondent-Defendant DEC is

JCO
TEMPORARILY ENJOINED from processing any applications and issuing any DDPs to applicants and/or for properties located in Suffolk County during the pendency of this action and ^{additional} ^{additional} until the motion for preliminary injunction is decided by the Court; it is further

JCO
~~ORDERED, that pending a decision on the preliminary injunction that Respondent DEC is directed to inform all Suffolk County recipients of DDPs in 2014 that the permits are suspended; and it is further~~

ORDERED, that no bond need be filed in connection with this Temporary Restraining Order or other injunctive relief; and it is further

ORDERED, that service of a copy of this Order and the papers upon which it is granted upon the New York State Attorney General (Loretta Simon, Esq.) and DEC General Counsel (Thomas Berkman, Esq.) by personal service or by facsimile service (# _____), or by

personal delivery on or before 3/6/2014, 2014, JCO shall be deemed good and sufficient service; and it is further

ORDERED that service on the other named Respondents be made by overnight mail to their principal place of business by 3/6/2014, 2014, and it is further

JCO
ORDERED, that Respondents' Opposition Papers to the Motion for Preliminary Injunction, if any, shall be served at least received by overnight delivery by 3/21/14. Reply papers served by 3/26/2014 served by expedited delivery. days before the return date.

ORDERED, that this Temporary Restraining Order shall be effective immediately upon receipt of same by Respondents or their attorney, whether by personal service or facsimile.

Dated: March 5, 2014

Colony, New York

Hon. Joseph C. Truini Jr.

ENTER: _____

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