

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : THIRD DEPARTMENT

X

Hon. David A. Paterson, Governor of the State of New York,
Petitioner, Respondent

-against-

APPELLATE DIVISION
DOCKET NO.
Albany County
Index No. 4912/2009
ORDER TO SHOW CAUSE

Senator Pedro Espada, Jr.,
Respondent, Appellant, and

Senator Eric Adams, Senator Joseph P. Addabbo, Jr.,
Senator Darrel J. Aubertine, Senator John J. Bonacic,
Senator Neil D. Breslin, Senator John A. DeFrancisco,
Senator Ruben Diaz, Sr., Senator Martin Malave Dilan,
Senator Thomas Duane, Senator Pedro Espada, Jr., Senator
Hugh T. Farley, Senator John J. Flanagan, Senator Brian X.
Foley, Senator Charles J. Fuschillo, Jr., Senator Martin J.
Golden, Senator Joseph A. Griffo, Senator Kemp Hannon,
Senator Ruth Hassell-Thompson, Senator Shirley L.
Huntley, Senator Craig M. Johnson, Senator Owen H.
Johnson, Senator Jeffrey D. Klein, Senator Liz Krueger,
Senator Carl Kruger, Senator Andrew J. Lanza, Senator
William J. Larkin, Jr., Senator Kenneth P. LaValle, Senator
Vincent L. Leibell, Senator Thomas Libous, Senator
Elizabeth Little, Senator Carl L. Marcellino, Senator
George D. Maziarz, Senator Roy J. McDonald, Senator
Hiram Monserrate, Senator Velmanette Montgomery,
Senator Thomas P. Morahan, Senator Michael F. Nozzolio,
Senator George Onorato, Senator Suzi Oppenheimer,
Senator Frank Padavan, Senator Kevin S. Parker, Senator
Bill Perkins, Senator Michael H. Ranzenhofer, Senator
Joseph E. Robach, Senator Stephen M. Saland, Senator
John L. Sampson, Senator Diane J. Savino, Senator Eric T.
Schneiderman, Senator Jose M. Serrano, Senator James L.
Seward, Senator Dean G. Skelos, Senator Malcolm A.
Smith, Senator Daniel L. Squadron, Senator William T.
Stachowski, Senator Toby Ann Stavisky, Senator Andrea
Stewart-Cousins, Senator Antoine M. Thompson, Senator
David J. Valesky, Senator Dale M. Volker, Senator George
H. Winner, Jr., Senator Catharine Young.

Respondents - Respondents

X

Upon the affirmation of John Ciampoli, Esq, the Order and Judgment of the Supreme Court, Teresi, J., dated June 29, 2009, and entered with the clerk on June 30, 2009, let the Petitioner Respondent and the Respondent Respondents SJHOW CAUSE before this Appellate Division on the ____ day of _____, 2009, at the APPELLATE DIVISION COURTHOUSE, Justice Building, Empire State Plaza, Albany, New York, [all motions are returnable on papers only] why an order of this court should not issue:

1. Staying the Decision and Order and Judgment of the Supreme Court, Albany County, Teresi, J., handed down on June 29, 2009, and entered with the clerk on June 30, 2009, pending the hearing and determination of the appeal in this matter, and
2. Staying the Decision and Order and Judgment of the Supreme Court, Albany County, Teresi, J., handed down on June 29, 2009, and entered with the clerk on June 30, 2009, pending the hearing and determination of the motion for leave to appeal in this matter, and
3. Such other, further and different relief as this Appellate Division may determine to be just and proper in the premises, and

SUFFICIENT CAUSE APPEARING THEREFORE, IT IS HEREBY

ORDERED, that pending the hearing and determination of the within motion that the Order and Judgment of the Supreme Court, Teresi, J., appealed from by movant herein is hereby and shall be STAYED in all respects, and it is further

ORDERED, that the Movant herein shall cause these papers to be filed with the Clerk of the Appellate Division, and shall pay the requisite fees to the Clerk, and it is further

ORDERED, that the Movant shall cause a copy of this order, and the papers upon which it was granted to be served upon the parties to this appeal by electronic transmission to counsel for the respective parties on or before the ____ day of _____, 2009, or alternatively, by facsimile transmission or personal delivery to the law offices of the counsel for the respective parties to this appeal on or before the ____ day of _____, 2009, and that such service shall be deemed to be good and sufficient service thereof.

DATED: June 30, 2009

Justice of the Appellate Division