

At IAS Part _ of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, 60 Centre Street, New York, New York 10007 on this _____ day of February 2023

STATE OF NEW YORK
SUPREME COURT, COUNTY OF NEW YORK

In the Matter of the Application of

Index No.: _____

DESI RISING UP AND MOVING, AARON FERNANDO, PAUL PERSAUD, SARWAN PERSAUD, NADIA PERSAUD, NADIRA PERSAUD, BISHAM PERSAUD, HARBHAJAN S. SURI, CHARANJIT S. SURI, DAVINDER S. SURI, SUKHVIR SINGH, SWARAN SINGH, LOVEDEEP MULTANI, PRINHPAL S. BAWA, KAMLESH TANEJA, RAJWINDER KAUR, INDERBIR SINGH, PARAMJIT KAUR, and RAJBIR SINGH

Petitioners,

For and Order Pursuant to Article 78 of the N.Y. C.L.P.R.

-against-

NEW YORK CITY DISTRICTING COMMISSION, CHAIR DENNIS M. WALCOTT, HON. MARILYN D. GO, MARIA MATEO, JOSHUA SCHNEPS, LISA SORIN, MSGR. KEVIN SULLIVAN, KAI-KI WONG, MAF MISBAH UDDIN, MICHAEL SCHNALL, KRISTEN A. JOHNSON, YOVAN SAMUEL COLLADO, GREGORY W. KIRSCHENBAUM, MARC WURZEL, KEVIN JOHN HANRATTY, and DR. DARRIN K. PORCHER each in their capacity as members of the New York City Districting Commission, BOARD OF ELECTIONS IN THE CITY OF NEW YORK, NEW YORK STATE BOARD OF ELECTIONS,

Respondents.

**[PROPOSED]
ORDER TO SHOW CAUSE
AND
TEMPORARY
RESTRAINING ORDER**

Upon the reading and filing of the Affirmation of Jerry Vattamala, dated February 24, 2023, the annexed Verified Petition, duly verified on February 23, 2023; the Exhibits, and Affirmations submitted herewith; and upon all papers and proceedings herein, it is hereby:

ORDERED, that the Respondents named above show cause before this Court at Part ____ to be held by virtual conference, or at the New York County Supreme Court, located at the Courthouse located at 60 Centre St., New York, NY 10007, as this Court may direct the parties, on the _____ of February, at 10:00am on that day, or as soon thereafter as counsel may be heard, why an order and judgement should not be made pursuant to C.P.L.R §7801, §7806, and the laws set forth in the aforesaid and Verified Petition and supporting papers grant the following relief:

1. Declaring, pursuant to §52(1)(b) of the New York City Charter, that Respondents have arbitrarily failed to ensure the fair and effective representation of the racial and language minority groups in New York City by failing to create an opportunity district for Asian American voters in Richmond Hill/South Ozone Park, Queens.
2. Pursuant to CPLR §7806, annulling as arbitrary and capricious Respondents' certification of a New York City Council District Plan that fails to ensure fair and effective representation of the racial minority groups in New York City.
3. Directing Respondents to certify a new New York City Council District Plan that creates an opportunity district for Asian American Voters in Richmond Hill/South Ozone Park no later than two weeks from the date of this order.
4. Providing for such other further relief as the court deems just and proper.

AND IT APPEARING that the cause of temporary injunctive relief exists under C.P.L.R. Art. 78, and that Respondents have arbitrarily and capriciously violated the New

York City Charter, which acts and practices will cause immediate and irreparable injury to members of the public unless Respondents are restrained before a hearing can be held;

It is hereby

ORDERED that pending the hearing and determination of this action, Respondents New York State Board of Elections and New York City Board of Elections are hereby enjoined from conducting any elections under the 2022 New York City Districting Commission's certified plan.

SUFFICIENT CAUSE to me appearing therefore,

ORDERED, that service of a copy of this Order and the papers upon which it is granted on Respondents by personal delivery or electronic delivery on or before _____, shall be deemed due and sufficient service hereof.

ENTER: February _____, 2023

Hon. _____