

At the Appellate Division, Third Department,  
Empire State Plaza, Albany, New York on the  
21st day of March, 2013

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

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CHRISTOPHER PORCO,	:	Clinton County Clerk's
	:	Index No. 2013/190
Plaintiff-Respondent,	:	
vs.	:	<b>ORDER TO SHOW CAUSE</b>
	:	<b>WITH STAY OF</b>
LIFETIME ENTERTAINMENT SERVICES, INC.	:	<b>MARCH 19, 2013 ORDER</b>
Defendant-Appellant.	:	<b><u>PENDING APPEAL</u></b>
	:	
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Upon reading and filing the Affirmations of Darci Bailey and David Sternbach, each dated March 20, 2013, and the exhibits attached thereto, the Emergency Affirmation of Michael J. Grygiel, dated March 20, 2013, and the accompanying memorandum of law in support of the request for emergency relief pursuant to CPLR 5518, it is hereby


ORDERED, that Plaintiff-Respondent Christopher Porco show cause before the Supreme Court of the State of New York, Appellate Division, Third Department, Empire State Plaza, Albany, NY on April 10, 2013, at 9:30 a.m., or as soon thereafter as the parties can be heard, why an order should not be entered vacating the March 19, 2013, temporary restraining order entered by Hon. Robert J. Muller, J.S.C. (the "March 19 Order") pending determination of the appeal from the March 19 Order, or in the alternative, expediting Lifetime's appeal of that Order; and it is further

ORDERED, that all injunctive relief entered in the March 19 Order is hereby stayed pending determination of the motion brought on by this order to show cause; and it is further

ORDERED, that service of a copy of this Order, together with the papers upon which it is granted, by first class mail, postage prepaid, to Plaintiff-Respondent at No. 06-A-6686, Clinton Correctional Facility, PO Box 2001, Dannemora, New York 12929 on or before the 22<sup>nd</sup> day of March, 2013, shall be deemed good and sufficient. Answering papers, if any, shall be served upon attorneys for Defendant-Appellant by no later than April 5, 2013, and it is further

ORDERED, that the motion brought on by this order to show cause shall not be orally argued unless the parties are notified to the contrary by the Clerk of the Court.

ENTER:

  
HON. ELIZABETH A. GARRY  
Associate Justice

ALB 1676576v2