

CLOSED,ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-10932-PAC**

d/b/a Seaport House (Hopkins Hawley LLC) et al. v.
Cuomo et al.

Assigned to: Judge Paul A. Crotty

Cause: 28:1331cv Fed. Question: Other Civil Rights

Date Filed: 12/25/2020

Date Terminated: 05/11/2021

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights:

Other

Jurisdiction: Federal Question

Plaintiff

**d/b/a Seaport House (Hopkins
Hawley LLC)**

represented by **Kian Daniel Khatibi**

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PLLC

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Migir Ilganayev

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ATTORNEY TO BE NOTICED

Plaintiff

**The Greator New York Merchant's
Alliance**

represented by **Kian Daniel Khatibi**

(See above for address)

ATTORNEY TO BE NOTICED

Migir Ilganayev

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Costin Tarsoaga

*on behalf of themselves and all others
similarly situated*

represented by **Migir Ilganayev**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

Andrew Cuomo

*in his personal and official capacity
as the Governor of the State of New
York*

represented by **Seth Jonathan Farber**

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Attorney General
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**The New York City Sheriff's
Department**

represented by **Kerri Ann Devine**

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ATTORNEY TO BE NOTICED

Defendant

**The New York City Department of
Finance**

represented by **Kerri Ann Devine**

(See above for address)
ATTORNEY TO BE NOTICED

Samantha Michelle Schonfeld
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mayor De Blasio

*in his personal and official capacity
as Mayor of the City of New York*

represented by **Kerri Ann Devine**

(See above for address)
ATTORNEY TO BE NOTICED

Samantha Michelle Schonfeld

(See above for address)
ATTORNEY TO BE NOTICED

All Plaintiffs

Joseph Daniel McBride

represented by **Joseph Daniel McBride**

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TERMINATED: 01/19/2021

Date Filed	#	Docket Text
12/25/2020	<u>1</u>	COMPLAINT against Andrew Cuomo, Bill De Blasio, NYC Department of Finance, NYC Sheriff Department. (Filing Fee \$ 402.00, Receipt Number ANYSDC-23215288)Document filed by SEAPORT HOUSE, COSTIN TARSOAGA, THE GREATER NEW YORK MERCHANTS ALLIANCE,..(Ilganayev, Migir) (Entered: 12/26/2020)
12/26/2020	<u>2</u>	FILING ERROR - DEFICIENT PLEADING - PDF ERROR - CIVIL COVER SHEET filed..(Ilganayev, Migir) Modified on 12/28/2020 (pc). (Entered: 12/26/2020)
12/26/2020	<u>3</u>	NOTICE OF APPEARANCE by Kian Daniel Khatibi on behalf of SEAPORT HOUSE, THE GREATER NEW YORK MERCHANTS ALLIANCE,..(Khatibi, Kian) (Entered: 12/26/2020)
12/28/2020		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Migir Ilganayev. The party information for the following party/parties has been modified: Andrew Cuomo, Bill De Blasio, NYC Department of Finance, NYC Sheriff Department, SEAPORT HOUSE, COSTIN TARSOAGA, THE GREATER NEW YORK MERCHANTS ALLIANCE. The information for the party/parties has been modified for the following

		reason/reasons: party name contained a typographical error; party name was entered in all caps; party role was entered incorrectly; party text was omitted; alias party name was omitted;. (pc) (Entered: 12/28/2020)
12/28/2020		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Migir Ilganayev. The following case opening statistical information was erroneously selected/entered: Nature of Suit code 950 (Constitutional - State Statute);. The following correction(s) have been made to your case entry: the Nature of Suit code has been modified to 440 (Civil Rights: Other);. (pc) (Entered: 12/28/2020)
12/28/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Migir Ilganayev to RE-FILE Document No. 2 Civil Cover Sheet. The filing is deficient for the following reason(s): Do not fill out the citizenship of principal parties if Federal Question Basis of Jurisdiction is selected. (pc) (Entered: 12/28/2020)
12/28/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Colleen McMahon. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(pc) (Entered: 12/28/2020)
12/28/2020		Magistrate Judge Katharine H. Parker is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (pc) (Entered: 12/28/2020)
12/28/2020		Case Designated ECF. (pc) (Entered: 12/28/2020)
12/28/2020	<u>4</u>	FIRST MOTION for Leave to Appear Attorney's Notice of Appearance . Document filed by Joseph Daniel McBride..(McBride, Joseph) (Entered: 12/28/2020)
12/28/2020	<u>5</u>	LETTER addressed to Judge Colleen McMahon from Migir Ilganayev re: EXHIBIT C to the Plaintiff's Complaint. Document filed by Costin Tarsoaga, The Greator New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/28/2020)
12/28/2020	<u>6</u>	CIVIL COVER SHEET filed..(Ilganayev, Migir) (Entered: 12/28/2020)
12/28/2020	<u>7</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to Governor Andrew Cuomo, re: <u>1</u> Complaint,. Document filed by

		Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) Modified on 12/30/2020 (dnh). (Entered: 12/28/2020)
12/28/2020	<u>8</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to Mayor Bill De Blasio, re: <u>1</u> Complaint,. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) Modified on 12/30/2020 (dnh). (Entered: 12/28/2020)
12/28/2020	<u>9</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to NYC Dept. of Finance, re: <u>1</u> Complaint,. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) Modified on 12/30/2020 (dnh). (Entered: 12/28/2020)
12/28/2020	<u>10</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to NYC Sheriff's Dept., re: <u>1</u> Complaint,. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) Modified on 12/30/2020 (dnh). (Entered: 12/28/2020)
12/30/2020		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Migir Ilganayev to RE-FILE Document No. <u>10</u> Request for Issuance of Summons, <u>7</u> Request for Issuance of Summons, <u>9</u> Request for Issuance of Summons, <u>8</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; party names must appear on the summons PDF and in the 'as to' docket entry text exactly as they appear in the pleading caption. Do not abbreviate party names. Party text is not required on the summons PDF but if it is included, it must appear exactly as it does in the pleading caption. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (dnh) (Entered: 12/30/2020)
12/30/2020	<u>11</u>	REQUEST FOR ISSUANCE OF SUMMONS as to ANDREW CUOMO, in his personal and official capacity as Governor of the State of New York, re: <u>1</u> Complaint,. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/30/2020)
12/30/2020	<u>12</u>	REQUEST FOR ISSUANCE OF SUMMONS as to MAYOR De BLASIO, in his personal and official capacity as Mayor of The City of New York, re: <u>1</u> Complaint,. Document filed by Costin Tarsoaga, The Greater New

		York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/30/2020)
12/30/2020	<u>13</u>	REQUEST FOR ISSUANCE OF SUMMONS as to THE NEW YORK CITY DEPARTMENT OF FINANCE, re: <u>1</u> Complaint,. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/30/2020)
12/30/2020	<u>14</u>	REQUEST FOR ISSUANCE OF SUMMONS as to THE NEW YORK CITY SHERIFFS DEPARTMENT, re: <u>1</u> Complaint,. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/30/2020)
12/30/2020	<u>15</u>	***SELECTED PARTIES***FIRST LETTER addressed to Judge Colleen McMahon from Joseph McBride dated 12/30/2020 Document filed by All Defendants.Motion or Order to File Under Seal: <u>15</u> .(McBride, Joseph) (Entered: 12/30/2020)
12/30/2020	<u>16</u>	EMERGENCY MOTION for Temporary Restraining Order . Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC). Return Date set for 12/31/2020 at 02:00 PM..(Ilganayev, Migir) (Entered: 12/30/2020)
12/30/2020	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>16</u> EMERGENCY MOTION for Temporary Restraining Order . . Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/30/2020)
12/30/2020	<u>18</u>	AFFIRMATION of Migir Ilganayev, Esq. and Kian D. Khatibi, Esq. in Support re: <u>16</u> EMERGENCY MOTION for Temporary Restraining Order .. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/30/2020)
12/30/2020	<u>19</u>	DECLARATION of Kian D. Khatibi in Support re: <u>16</u> EMERGENCY MOTION for Temporary Restraining Order .. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/30/2020)
12/31/2020	<u>20</u>	LETTER addressed to Judge Colleen McMahon from Migir Ilganayev dated 12/31/2020 re: EMERGENCY ORDER TO SHOW CAUSE TODAY. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 12/31/2020)
01/04/2021		NOTICE OF CASE REASSIGNMENT to Judge Paul A. Crotty. Judge Colleen McMahon is no longer assigned to the case. (ad) (Entered: 01/04/2021)

01/05/2021	<u>21</u>	ORDER: Plaintiffs move for a Temporary Restraining Order and Preliminary Injunction enjoining Governor Cuomo's latest COVID-19 restrictions on restaurant dining in New York City. Plaintiffs are directed to serve defendants with their complaint and moving papers forthwith. The Court will convene a telephonic status conference on Wednesday, January 6, 2021 at 11:00 AM to discuss the next steps. The counsel representing the state and city entities should participate in the telephonic conference. The dial-in is 888-363-4749 and the access code is 8359662. SO ORDERED. (Signed by Judge Paul A. Crotty on 1/5/2021) (Telephone Conference set for 1/6/2021 at 11:00 AM before Judge Paul A. Crotty.) (ks) (Entered: 01/05/2021)
01/05/2021	<u>22</u>	ELECTRONIC SUMMONS ISSUED as to The New York City Sheriff's Department..(gp) (Entered: 01/05/2021)
01/05/2021	<u>23</u>	ELECTRONIC SUMMONS ISSUED as to The New York City Department of Finance..(gp) (Entered: 01/05/2021)
01/05/2021	<u>24</u>	ELECTRONIC SUMMONS ISSUED as to Mayor De Blasio..(gp) (Entered: 01/05/2021)
01/05/2021	<u>25</u>	ELECTRONIC SUMMONS ISSUED as to Andrew Cuomo..(gp) (Entered: 01/05/2021)
01/05/2021	<u>26</u>	CERTIFICATE OF SERVICE of Summons and Complaint,. Andrew Cuomo served on 1/5/2020, answer due 1/26/2020; Mayor De Blasio served on 1/5/2020, answer due 1/26/2020; The New York City Department of Finance served on 1/5/2020, answer due 1/26/2020; The New York City Sheriff's Department served on 1/5/2020, answer due 1/26/2020. Document filed by d/b/a Seaport House (Hopkins Hawley LLC); Costin Tarsoaga; The Greater New York Merchant's Alliance..(Ilganayev, Migir) (Entered: 01/05/2021)
01/06/2021	<u>27</u>	NOTICE OF APPEARANCE by Kerri Ann Devine on behalf of Mayor De Blasio..(Devine, Kerri) (Entered: 01/06/2021)
01/06/2021	<u>28</u>	NOTICE OF APPEARANCE by Kerri Ann Devine on behalf of The New York City Department of Finance..(Devine, Kerri) (Entered: 01/06/2021)
01/06/2021	<u>29</u>	NOTICE OF APPEARANCE by Kerri Ann Devine on behalf of The New York City Sheriff's Department..(Devine, Kerri) (Entered: 01/06/2021)
01/06/2021	<u>30</u>	NOTICE OF APPEARANCE by Samantha Michelle Schonfeld on behalf of Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Schonfeld, Samantha) (Entered: 01/06/2021)
01/06/2021	<u>31</u>	NOTICE OF APPEARANCE by Seth Jonathan Farber on behalf of Andrew Cuomo..(Farber, Seth) (Entered: 01/06/2021)
01/06/2021		Minute Entry for proceedings held before Judge Paul A. Crotty: Telephonic Status Conference held on 1/6/2021. REMARK: Kian Khatibi and Migir Ilganayev appeared for the plaintiffs. Seth Farber appeared for the State.

		Kerri Devine and Samantha schonfeld appeared for the city. The Court granted Mr. McBride's motion to withdraw as counsel for plaintiffs. The Court denied plaintiffs TRO application for a Preliminary Injunction. The Court set the following schedule: City and State responses are due by January 13, 2021. Plaintiffs' replies due by January 19, 2021. Argument will be held on January 21, 2021 at 12:30 PM. See transcript for details. (Court Reporter Michael McDaniel) (dgo) (Entered: 01/07/2021)
01/08/2021	32	ORDER denying 16 Motion for TRO. For the reasons stated on the record, Plaintiffs' TRO request is DENIED. In denying the TRO request, the Court expresses no view on the merits of Plaintiffs' pending application for a Preliminary Injunction. The state and city entities are directed to respond to the Preliminary Injunction application by January 13. The Plaintiffs are directed to reply by January 19. A virtual hearing on the Preliminary Injunction motion will be held on January 21 at 12:30 PM. SO ORDERED.. (Signed by Judge Paul A. Crotty on 1/8/2021) (ks) (Entered: 01/08/2021)
01/08/2021		Set/Reset Deadlines: (Responses due by 1/13/2021, Replies due by 1/19/2021.), Set/Reset Hearings:(Telephone Conference set for 1/21/2021 at 12:30 PM before Judge Paul A. Crotty.) (ks) (Entered: 01/08/2021)
01/13/2021	33	INTERNET CITATION NOTE: Material from decision with Internet citation re: 32 Order on Motion for TRO. (sjo) (Entered: 01/13/2021)
01/13/2021	34	DECLARATION of Samantha Schonfeld in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order .. Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department. (Attachments: # 1 Exhibit "A" State Exec. Order 202, # 2 Exhibit "B" State Exec. Order 202.3, # 3 Exhibit "C" State Exec. Order 202.5, # 4 Exhibit "D" State Exec. Order 202.6, # 5 Exhibit "E" State Exec. Order 202.41, # 6 Exhibit "F" State Exec. Order 202.48, # 7 Exhibit "G" State Exec. Order 202.61, # 8 Exhibit "H" State Exec. Order 202.74, # 9 Exhibit "I" State Exec. Order 202.81).(Devine, Kerri) (Entered: 01/13/2021)
01/13/2021	35	MEMORANDUM OF LAW in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order . . Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Devine, Kerri) (Entered: 01/13/2021)
01/13/2021	36	DECLARATION of Dr. Jay Varma in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order .. Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Devine, Kerri) (Entered: 01/13/2021)
01/13/2021	37	MEMORANDUM OF LAW in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order . <i>GOVERNOR ANDREW M. CUOMOS MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS</i>

		<i>MOTION FOR A PRELIMINARY INJUNCTION</i> . Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 01/13/2021)
01/13/2021	38	DECLARATION of Debra S Blog MD MPH in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order .. Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 01/13/2021)
01/14/2021	39	DECLARATION of Debra S Blog MD MPH in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order .. Document filed by Andrew Cuomo. (Attachments: # 1 Exhibit Exhibit A: WHO Scientific Brief: Transmission of SARS-CoV-2: Implications for Infection Prevention Precautions, # 2 Exhibit Exhibit B: WHO's Question and Answer Page regarding Coronavirus Disease (COVID-19): How is it Transmitted?., # 3 Exhibit Ex C - CDCs Media Statement on Updates to How COVID is Spread, # 4 Exhibit Ex D - CDCs Cleaning and Disinfection for Households, Detailed Disinfection Guidance, # 5 Exhibit Ex E - CDCs Social Distancing, # 6 Exhibit Ex F - Considerations for Restaurant and Bar Operators, Ctrs. For Disease Control & Prevention (updated December 16, 2020)., # 7 Exhibit Ex G - Seattle Times article, Infected after 5 minutes, from 20 feet away: South Korea study shows coronaviruss spread indoors, # 8 Exhibit Ex H - Kwon KS, Park JI, Park YJ, Jung DM, Ryu KW, Lee JH. Evidence of Long-Distance Droplet Transmission of SARS-CoV-2 by Direct Air Flow in a Restaurant in Korea; J Korean Med Sci. 2020 Nov;35(46):e415, # 9 Exhibit Ex I - Lu, Jianyun, et al., COVID-19 Outbreak Associated with Air Conditioning in Restaurant, Guangzhou, China, 2020. Emerging Infectious Diseases vol. 26,7 (2020): 1628-1631, # 10 Exhibit Ex J - Can Air Conditioners Spread COVID-19?, Natl Pub. Radio (Aug. 15, 2020)., # 11 Exhibit Ex K - Gee, Emily, et al., A New Strategy to Contain the Coronavirus, Ctr. For Am. Progress (Aug. 6, 2020)., # 12 Exhibit Ex L - Steinhauer, Jennifer, The Nation Wanted to Eat Out Again. Everyone Has Paid the Price, N.Y. Times (Aug. 12, 2020; updated September 9, 2020), (discussing data showing community COVID-19 outbreaks in cities and states that permitted indoor dining stemmed from bars and restaurants)., # 13 Exhibit Ex M - Fisher, Kiva, et al., Community and Close Contact Exposures Associated with COVID-19 Among Symptomatic Adults 18 Years in 11 Outpatient Health Care FacilitiesUnited States (July 2020)., # 14 Exhibit Ex N - Proceedings of the National Academy of Sciences Identifying Airborne Transmission as the Dominant Route for the Spread of COVID-19., # 15 Exhibit Ex O - The Hill article, Mask Mandates are Constitutionally Permissible (July 31, 2020)., # 16 Exhibit Ex P - Governor Cuomos announcement on December 16, 2020, # 17 Exhibit Ex R - Hamidi, Shima, Sabouri, Sadegh & Ewing, Reid, Does Density Aggravate the COVID-19 Pandemic?, Journal of the American Planning Association (2020), (preliminary study finding no correlation between density and COVID-19 infections, but finding that connectivity between counties matters more than county density for pandemic spread and lethality and that [t]he more connected the places

		(either compact or sprawling) in large metropolitan areas are, the harder they are hit by the pandemic)., # 18 Exhibit Ex S - CDC Testing Strategy for Coronavirus (COVID-19) in High-Density Critical Infrastructure Workplaces after a COVID-19 Case Is Identified, # 19 Exhibit Ex T - Governor Cuomo's Executive Order 202.81, # 20 Exhibit Ex U - Governor Cuomo's Executive Order 202.89, # 21 Exhibit Ex V - New York City issued FAQs., # 22 Exhibit Ex W - Guidance from the New York State Liquor Authority., # 23 Exhibit Exhibit X: DOH Summary and Master Guidance on EO 202.61, # 24 Exhibit Exhibit Y: USA Today Article: Why are bars hotspots for COVID-19., # 25 Exhibit Exhibit Z: Open Letter to WHO, # 26 Exhibit Exhibit AA: NPR/Kaiser Health News Article: Deadly Mix: How Bars are Fueling COVID-19 Outbreaks, # 27 Exhibit Exhibit BB: Food Service Guidance, # 28 Exhibit Exhibit CC: WHO Situation Report 1., # 29 Exhibit Exhibit DD: WHO Novel Coronavirus (2019-nCoV) Situation Report 3., # 30 Exhibit Exhibit EE: Statement on the Second Meeting of the International Health Regulations (2005) Emergency Committee Regarding the Outbreak of Novel Coronavirus (2019-nCoV)., # 31 Exhibit Exhibit FF: WHO Director-Generals Opening Remarks at the Media Briefing on COVID-19, # 32 Exhibit Exhibit GG - National Emergency Proclamation signed by President Trump on March 13, 2020, # 33 Exhibit Exhibit HH: Governor Cuomo's Executive Order 202., # 34 Exhibit Exhibit II: Governor Cuomo's Executive Order 202.1, # 35 Exhibit Exhibit JJ: Governor Cuomo's Executive Order 202.3, # 36 Exhibit Exhibit KK: Governor Cuomo's Executive Order 202.4, # 37 Exhibit Exhibit LL: Governor Cuomo's Executive Order 202.5, # 38 Exhibit Exhibit MM: Governor Cuomo's Executive Order 202.6, # 39 Exhibit Exhibit NN: Governors March 20, 2020 Press Release detailing the New York State on PAUSE Plan., # 40 Exhibit Exhibit OO: Governor Cuomo's Executive Order 202.16., # 41 Exhibit Exhibit PP: Governor Cuomo's Executive Order 202.17, # 42 Exhibit Exhibit QQ: Governor Cuomo's Executive Order 202.34, # 43 Exhibit Exhibit RR: Governor Cuomo's announcement of the UK strain in New York).(Farber, Seth) (Entered: 01/14/2021)
01/14/2021	40	DECLARATION of Dr Debra Blog in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order .. Document filed by Andrew Cuomo. (Attachments: # 1 Exhibit Ex Q - Kadi, Nadjat & Khelfaoui, Mounia, Population density, a factor in the spread of COVID-19 in Algeria: statistical study, Bulletin of the National Research Centre, Vo. 44.1 (2020), (finding correlation between population density and number of COVID-19 cases).).(Farber, Seth) (Entered: 01/14/2021)
01/14/2021	41	AMENDED MEMORANDUM OF LAW in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order . <i>GOVERNOR ANDREW M. CUOMOS CORRECTED MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS MOTION</i>

		<i>FOR A PRELIMINARY INJUNCTION</i> . Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 01/14/2021)
01/19/2021	42	ENDORSED LETTER addressed to Judge Colleen McMahon from Joseph D. McBride, Esq. dated December 30, 2020 re: letter requesting leave to withdraw as attorney. ENDORSEMENT: Leave to withdraw as attorney of record is granted. SO ORDERED.., (Signed by Judge Paul A. Crotty on 1/19/2021) Attorney Joseph Daniel McBride terminated. (ks) (Entered: 01/19/2021)
01/20/2021	43	LETTER addressed to Judge Paul A. Crotty from Migir Ilganayev and Kian D. Khatibi dated 01/20/2021 re: PLAINTIFFS' REPLY. Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 01/20/2021)
01/20/2021	44	REPLY to Response to Motion re: 16 EMERGENCY MOTION for Temporary Restraining Order . . Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC)..(Ilganayev, Migir) (Entered: 01/20/2021)
01/21/2021		CALENDAR ENTRY **REMINDER**: Oral Argument scheduled to go forward on: Thursday, January 21, 2021 @ 12:30 PM, via teleconference before Judge Paul A. Crotty, U.S.D.J. Dial-in: 888-363-4749. Access: 8539662. ----- A PDF IS NOT ATTACHED TO THIS ENTRY ----- (By David Gonzalez - Courtroom Deputy).(dgo) (Entered: 01/21/2021)
01/21/2021		Minute Entry for proceedings held before Judge Paul A. Crotty: Remote Show Cause Hearing held on 1/21/2021. REMARK: Kian Khatibi & Migir Ilganayev appeared for the plaintiffs. Seth Farber appeared for the State. Kerri Devine & Samantha Schonfeld appeared for the City. The Court heard argument on the Preliminary Injunction application and reserved its ruling. Limited Discovery is to be completed by January 27, 2021. Plaintiffs can depose Doctor Blog and supplement their papers by January 27, 2021. The City and state can respond by January 29, 2021. See transcript for details. (Court Reporter Paula Speer) (dgo) (Entered: 01/21/2021)
01/28/2021	45	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: 16 EMERGENCY MOTION for Temporary Restraining Order . <i>and PRELIMINARY INJUNCTION</i> . Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC). (Attachments: # 1 Exhibit Exhibit A - Declaration of Doctor Qanta Ahmed, # 2 Exhibit Exhibit B - Affirmation of Jeffrey Minner, # 3 Exhibit Deposition Transcript of Doctor Debra Blog - January 24, 2021, # 4 Exhibit Deposition Transcript of Doctor Debra Blog - January 24, 2021).(Ilganayev, Migir) (Entered: 01/28/2021)
01/28/2021	46	LETTER MOTION for Extension of Time to File Response/Reply as to Show Cause Hearing,, 45 Memorandum of Law in Support of

		Motion,, addressed to Judge Paul A. Crotty from Seth Farber dated January 28, 2021. Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 01/28/2021)
01/28/2021	47	ORDER granting 46 Letter Motion for Extension of Time to File Response/Reply. The extension to February 2, 2021 is granted. SO ORDERED.. (Signed by Judge Paul A. Crotty on 1/28/2021) (ks) (Entered: 01/28/2021)
01/28/2021	48	ENDORSED LETTER addressed to Judge Paul A. Crotty from Kerri A. Devine dated January 28, 2021 re: letter requesting enlargement of time to file a reply to plaintiff's supplemental briefing. ENDORSEMENT: The requested extension to February 2, 2021 is granted. SO ORDERED. (Signed by Judge Paul A. Crotty on 1/28/2021) (ks) (Entered: 01/28/2021)
01/29/2021	49	LETTER MOTION for Extension of Time <i>to Respond to Complaint</i> addressed to Judge Paul A. Crotty from Samantha Schonfeld dated January 29, 2021. Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Schonfeld, Samantha) (Entered: 01/29/2021)
02/01/2021	50	LETTER MOTION for Extension of Time to File Answer re: 1 Complaint, 49 LETTER MOTION for Extension of Time <i>to Respond to Complaint</i> addressed to Judge Paul A. Crotty from Samantha Schonfeld dated January 29, 2021. addressed to Judge Paul A. Crotty from Seth J. Farber dated February 1, 2021. Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 02/01/2021)
02/01/2021	51	TRANSCRIPT of Proceedings re: CONFERENCE held on 1/21/2021 before Judge Paul A. Crotty. Court Reporter/Transcriber: Paula Speer, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/22/2021. Redacted Transcript Deadline set for 3/4/2021. Release of Transcript Restriction set for 5/3/2021..(McGuirk, Kelly) (Entered: 02/01/2021)
02/01/2021	52	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 1/21/2021 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 02/01/2021)
02/02/2021	53	REPLY MEMORANDUM OF LAW in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order . <i>Governor Cuomo's Letter Brief in Response to Plaintiffs' Supplemental Submissions</i> . Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 02/02/2021)

02/02/2021	54	MEMORANDUM OF LAW in Opposition re: 16 EMERGENCY MOTION for Temporary Restraining Order . <i>City Defendants' Memorandum of Law In response to plaintiffs' supplemental submission.</i> Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Devine, Kerri) (Entered: 02/02/2021)
02/03/2021	55	ORDER granting 49 Letter Motion for Extension of Time. The time to move or otherwise answer the complaint is extended to February 26, 2021. SO ORDERED. (HEREBY ORDERED by Judge Paul A. Crotty)(Text Only Order) (dgo) (Entered: 02/03/2021)
02/03/2021	56	ORDER granting 50 Letter Motion for Extension of Time to Answer Andrew Cuomo answer due 2/26/2020. The time to move or otherwise answer the complaint is extended to February 26, 2021. SO ORDERED. (HEREBY ORDERED by Judge Paul A. Crotty)(Text Only Order) (dgo) (Entered: 02/03/2021)
02/09/2021	57	OPINION & ORDER: The motion for a Preliminary Injunction is DENIED. The Clerk of Court is directed to terminate the motion at ECF 16. Governor Cuomo and the City Defendants are directed to respond to the Complaint pursuant to this Court's order entered on February 3, 2021. SO ORDERED. (Signed by Judge Paul A. Crotty on 2/9/2021) Andrew Cuomo answer due 2/3/2021; Mayor De Blasio answer due 2/3/2021; The New York City Department of Finance answer due 2/3/2021; The New York City Sheriff's Department answer due 2/3/2021. (ks) (Entered: 02/09/2021)
02/26/2021	58	INTERNET CITATION NOTE: Material from decision with Internet citation re: 57 Memorandum & Opinion, Set Deadlines. (sjo) (Entered: 02/26/2021)
02/26/2021	59	INTERNET CITATION NOTE: Material from decision with Internet citation re: 57 Memorandum & Opinion, Set Deadlines. (sjo) (Entered: 02/26/2021)
02/26/2021	60	FIRST LETTER MOTION for Conference <i>with respect to City defendants moving to dismiss the Complaint</i> addressed to Judge Paul A. Crotty from Kerri A. Devine and Samantha Schonfeld dated February 26, 2021. Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Devine, Kerri) (Entered: 02/26/2021)
02/26/2021	61	FIRST LETTER MOTION for Conference re: 1 Complaint, <i>Governor Andrew M. Cuomo's Request for Pre-Motion Conference to File Motion to Dismiss Complaint</i> addressed to Judge Paul A. Crotty from Seth Farber dated February 26, 2021. Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 02/26/2021)
03/01/2021		Notice of Pre-Motion Conference: A Pre-Motion Conference is scheduled to go forward on: Thursday, March 11, 2021 @ 11:30 AM, via teleconference before Judge Paul A. Crotty. Dial-in: 888-363-4749. Access:

		8539662. If the date is not convenient, either party can e-mail three (3) mutually convenient dates to the Courtroom Deputy at: David_C_Gonzalez@nysd.uscourts.gov ----- A PDF IS NOT ATTACHED TO THIS ENTRY ----- (By: David Gonzalez - Courtroom Deputy).(dgo) (Entered: 03/01/2021)
03/11/2021		Minute Entry for proceedings held before Judge Paul A. Crotty: Pre-Motion Conference held on 3/11/2021. REMARK: Counsel for all sides appeared. The Court set the following motion schedule: Motions due by April 2, 2021. Responses due by April 16, 2021. Replies due by April 26, 2021. See transcript for details. (Court Reporter Kelly Surina) (dgo) (Entered: 03/16/2021)
04/02/2021	62	MOTION to Dismiss <i>Governor Cuomo's Notice of Motion to Dismiss the Complaint</i> . Document filed by Andrew Cuomo. Responses due by 4/16/2021.(Farber, Seth) (Entered: 04/02/2021)
04/02/2021	63	MEMORANDUM OF LAW in Support re: 62 MOTION to Dismiss <i>Governor Cuomo's Notice of Motion to Dismiss the Complaint</i> . <i>Governor Cuomo's Memorandum of Law In Support of Motion to Dismiss the Complaint</i> . Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 04/02/2021)
04/02/2021	64	MOTION to Dismiss <i>the Complaint</i> . Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Schonfeld, Samantha) (Entered: 04/02/2021)
04/02/2021	65	MEMORANDUM OF LAW in Support re: 64 MOTION to Dismiss <i>the Complaint</i> . . Document filed by Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department..(Schonfeld, Samantha) (Entered: 04/02/2021)
04/15/2021		NOTICE of Oral Argument: Oral Argument on the pending motions is scheduled to go forward on: Thursday, May 6, 2021 at 11:30 AM in Courtroom 14C, 500 Pearl Street, New York, NY 10007 before the Honorable Paul A. Crotty, U.S.D.J ----- A PDF IS NOT ATTACHED TO THIS ENTRY ----- (By: David Gonzalez - Courtroom Deputy).(dgo) (Entered: 04/15/2021)
04/16/2021	66	RESPONSE in Opposition to Motion re: 62 MOTION to Dismiss <i>Governor Cuomo's Notice of Motion to Dismiss the Complaint</i> ., 64 MOTION to Dismiss <i>the Complaint</i> . . Document filed by Costin Tarsoaga, The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC). (Attachments: # 1 Exhibit Email to Seth Farber on 1.25.21 RE: Deposition).(Ilganayev, Migir) (Entered: 04/16/2021)
04/26/2021	67	REPLY MEMORANDUM OF LAW in Support re: 62 MOTION to Dismiss <i>Governor Cuomo's Notice of Motion to Dismiss the Complaint</i> . . Document filed by Andrew Cuomo..(Farber, Seth) (Entered: 04/26/2021)
04/26/2021	68	REPLY MEMORANDUM OF LAW in Support re: 64 MOTION to Dismiss <i>the Complaint</i> . . Document filed by Mayor De Blasio, The New

		York City Department of Finance, The New York City Sheriff's Department..(Schonfeld, Samantha) (Entered: 04/26/2021)
05/11/2021	69	OPINION & ORDER re: 62 MOTION to Dismiss <i>Governor Cuomo's Notice of Motion to Dismiss the Complaint</i> filed by Andrew Cuomo, 64 MOTION to Dismiss <i>the Complaint</i> filed by The New York City Sheriff's Department, Mayor De Blasio, The New York City Department of Finance. The Defendants' motion to dismiss is GRANTED. The Clerk of Court is respectfully directed to terminate this case. (Signed by Judge Paul A. Crotty on 5/11/2021) (mro) Transmission to Orders and Judgments Clerk for processing. (Entered: 05/11/2021)
05/11/2021	70	CLERK'S JUDGMENT re: 69 Memorandum & Opinion, in favor of Mayor De Blasio, The New York City Department of Finance, The New York City Sheriff's Department, Andrew Cuomo against The Greater New York Merchant's Alliance, d/b/a Seaport House (Hopkins Hawley LLC), Costin Tarsoaga, Joseph Daniel McBride. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated May 11, 2021, the Defendants' motion to dismiss is granted; accordingly, this case is closed. (Signed by Clerk of Court Ruby Krajick on 5/11/2021) (Attachments: # 1 Notice of Right to Appeal) (dt) (Entered: 05/11/2021)
05/11/2021		Terminate Transcript Deadlines (dt) (Entered: 05/11/2021)
05/27/2021	71	INTERNET CITATION NOTE: Material from decision with Internet citation re: 69 Memorandum & Opinion. (sjo) (Entered: 05/27/2021)
05/27/2021	72	INTERNET CITATION NOTE: Material from decision with Internet citation re: 69 Memorandum & Opinion. (sjo) (Entered: 05/27/2021)
05/27/2021	73	INTERNET CITATION NOTE: Material from decision with Internet citation re: 69 Memorandum & Opinion. (sjo) (Entered: 05/27/2021)

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