

at or before _____ that day, or as soon thereafter as counsel can be heard, why this Court should not issue an Order granting Petitioner-Plaintiff the following relief:

Pursuant to CPLR § 7805, staying enforcement of and enjoining, restraining, and prohibiting DEC, and its agents, servants and employees, and all other persons or entities that are controlled by or acting in concert with it, from:

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- (a) Enforcing its determination, as communicated in its letter dated August 1, 2018, that CPV Valley's Amended Final ASF Permit (DEC ID # 3-3356-00136/00001) expired on July 31, 2018; and
- (b) Imposing any fines, penalties, levies, assessments, criminal charges, or the like against CPV Valley for operation of the Facility after July 31, 2018; and it is hereby further:

ORDERED that, pursuant to CPLR § 6301 *et seq.*, pending a hearing on and a determination of the Petition/Complaint, DEC, and its agents, servants and employees, and all other persons or entities that are controlled by or acting in concert with it, shall be and hereby is immediately enjoined, restrained, and prohibited from:

- (a) Enforcing its determination, as communicated in its letter dated August 1, 2018, that CPV Valley's Amended Final ASF Permit (DEC ID # 3-3356-00136/00001) expired on July 31, 2018; and
- (b) Imposing any fines, penalties, levies, assessments, criminal charges, or the like against CPV Valley for operation of the Facility after July 31, 2018; and it is further:

ORDERED, that service of this Order to Show Cause and supporting papers shall be made upon Respondent-Defendant DEC by electronic mail or hand delivery, no later than 5 a.m. (p.m.) on August 16, 2018, and the same shall be deemed good and sufficient service; and it is further

including Answer,

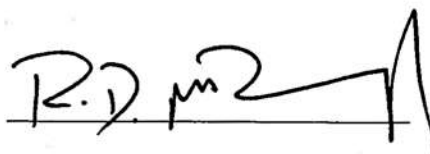
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ORDERED, that papers in opposition to this application, if any, shall be delivered to the Court and served on Ruth E. Leistensnider, Nixon Peabody, LLP, attorneys for Petitioner-

Plaintiff, by hand delivery, so as to be received no later than 5:00 p.m. on September 14, 2018; and
it is further

ORDERED, that Petitioner-Plaintiff's reply papers, if any, shall be delivered to the Court
and served on DEC or its attorneys of record by electronic mail, facsimile or hand delivery so as
to be received no later than 5:00 p.m. on September 28, 2018.

ORDERED, That the Return Date will be October 5, 2018.



Hon. Roger D. McDonough, A.J.S.C.

ENTERED: