

M.S.Φ  
MARCY S. FRIEDMAN

At a ~~Term~~ <sup>TA's</sup> Part 57 of the Court of the State of New York, held in and for the County of New York, at 60 Centre, on the 10<sup>th</sup> day of November, 2011.

Present: Hon. \_\_\_\_\_, Justice.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK



ORIGINAL

JENNIFER USDAN MCBRIDE AND  
CHRISTOPHER MCBRIDE,

Index No.:

112776-11

Plaintiffs,

-against-

NINE EAST 71<sup>ST</sup> STREET CORPORATION,  
JEFFREY EPSTEIN, AND HERBERT ROSE  
INC.,

Defendants.

**ORDER TO SHOW  
CAUSE WITH  
TEMPORARY  
RESTRAINING  
ORDER**

Upon reading and filing the verified complaint and the two affirmations of Jennifer Usdan McBride, dated November 8, 2011, and the Memorandum of Law submitted in support thereof, and sufficient cause appearing therefor,

Let the defendants NINE EAST 71<sup>ST</sup> STREET CORPORATION, JEFFREY EPSTEIN, HERBERT ROSE, INC. (collectively "Defendants"), or its attorneys *appear and* show cause before this Court, at a ~~Term~~ <sup>TA's</sup> Part 57 (room 335) thereof, to be heard in and for the County of New York at the courthouse located at 60 Centre

Street, in the City of New York, County of New York, State of New York, on Nov 28, 2011, at 2:30 p.m., or as soon thereafter as counsel can be heard, why a preliminary injunction should not be granted herein enjoining 9 E. 71<sup>st</sup> Street Corporation, Jeffrey Epstein, Herbert Rose Inc., their agents, servants, and employees, and all persons acting on their behalf, pursuant to Section 6301 of the Civil Practice Law and Rules, and pending the determination of this action, from erecting and maintaining a scaffold, also known as a sidewalk shed, which faces and is directly in front of Unit 2C of the real property at 3 East 71<sup>st</sup> Street, in New York, New York ("the Unit") owned by Plaintiffs JENNIFER USDAN MCBRIDE AND CHRISTOPHER MCBRIDE and requiring Defendants to immediately remove such scaffold from the front of the Unit owned and lived in by the Plaintiffs; and

~~IT APPEARING that pending the <sup>determine</sup> hearing and determination of Plaintiffs' application for a preliminary injunction that the continued maintenance of the scaffold in front of the Unit owned and lived in by Plaintiffs that defendants' actions will temporarily and irreparably injure the Plaintiffs by maintaining the Scaffold in front of the Unit owned and lived in by Plaintiffs is irreparably and materially impairing Plaintiffs' use and enjoyment of the Unit, and that immediate and irreparable injury, loss, or damage is occurring and will continue to occur to the Plaintiffs herein before notice can be served and a hearing had, it is~~

~~ORDERED, that pending the hearing of this motion for a preliminary injunction Nine East 71<sup>st</sup> Street Corporation, Jeffrey Epstein, and/or Herbert Rose, Inc. be and hereby is temporarily enjoined and restrained from maintaining a Scaffold, also known as a sidewalk shed, in front of the Unit located at 3 E. 71<sup>st</sup> Street, Unit 2C in New York, New York, which is owned by JENNIFER USDAN MCBRIDE AND CHRISTOPHER MCBRIDE and are to remove such scaffold in front of the Unit immediately upon receipt of service of this order, and it is~~

J.S.C.

~~ORDERED, that service of this order and the papers upon which it is based and the summons and verified complaint herein be made by <sup>of a copy</sup> <sup>personally</sup> serving a copy of this order and the papers and a copy of the summons and verified complaint on Defendants on or before <sup>each</sup> November 17<sup>th</sup>, 2011; and it is further~~

~~ORDERED, that responsive affidavits, briefs or other papers be served by Defendants Nine East 71<sup>st</sup> Street Corporation, Jeffrey Epstein, and/or Herbert Rose, Inc. on or before \_\_\_\_\_, 2011, and it is further~~

~~ORDERED, that reply papers of Plaintiffs to any submission by injunction Nine East 71<sup>st</sup> Street Corporation, Jeffrey Epstein, and/or Herbert Rose, Inc. be made on or before \_\_\_\_\_, 2011; and it is further~~

~~ORDERED, that any application to dissolve this Temporary Restraining Order be made at least \_\_\_ days prior written notice to Plaintiffs' Counsel.~~

J.S.C.

Oral Argument Directed

JSC

Present A. Klein, Biswas, II, 3  
P. Tabibe  
Herbert Rose & other AS

ENTER. See next page  
*[Signature]*  
MARCYS. FRIEDMAN

Dated: ~~November 8, 2011~~

RESPECTFULLY SUBMITTED:

BORENSTEIN MCCONNELL &  
CALPIN, P.C.  
*Attorneys for Plaintiffs*

By: \_\_\_\_\_  
ABRAHAM BORENSTEIN

Opposition papers shall be served by Nov 18, 11  
Reply papers, if any, shall be served by Nov 25, 11  
All papers shall be served on all parties by the above dates,  
and shall be filed with \_\_\_\_\_  
at least two (2) days before the  
Oral argument is required.