

JUDGE JONES

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

T-MOBILE NORTHEAST LLC, f/k/a Omnipoint
Communications, Inc.,

Plaintiff,

-against-

TWO EAST NINETY EIGHTH STREET CO.,
INC.,

Defendant.

Civil Action No.

11 CV 3617

**ORDER TO SHOW CAUSE FOR A
PRELIMINARY INJUNCTION
PURSUANT TO FED. R. CIV. PRO. 65**

Upon the application of Porzio, Bromberg & Newman, P.C., attorneys for plaintiff T-MOBILE NORTHEAST, LLC, for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the Court having considered the Verified Complaint, sworn to on May 23, 2011, and the exhibits annexed thereto, and the plaintiff's memorandum of law in support of the motion for a preliminary injunction; and upon all proceedings had herein,

✓ IT IS on this 26th day of May, 2011, hereby **ORDERED** that:

Defendant or its attorneys show cause before this Court at the United States Courthouse
✓ for the Southern District of New York, 500 Pearl Street, New York, New York 11201, Room 17C
✓ on the 1st day of June, 2011 at 3:00 o' clock in the afternoon of that day, or as soon thereafter as
counsel can be heard, why a preliminary injunction should not be granted herein: Enjoining the Defendant, its agents, servants, officers, members, representatives and employees, and all other persons acting in concert with it, from taking any actions to interfere with, impede, or frustrate the Plaintiff's existing contractual and property rights to access certain real property known as 1165 5th Avenue, New York, New York, so that Plaintiff may conduct an evaluation of the rooftop area and develop its final construction plans for the installation of its Antenna Facilities,

as expressly permitted by the parties' lease agreement, made by and between the Plaintiff T-MOBILE NORTHEAST LLC, f/k/a Omnipoint Communications, Inc., as tenant, and the Defendant, TWO EAST NINETY EIGHTH STREET CO., INC., as landlord (the "Lease"); and it is further

ORDERED that answering papers, if any, shall be served by hand upon plaintiff's counsel and filed with the court on or before June 3, 2011 at ~~5:00 P.M.~~ ^{5:00 P.M.} and reply papers, if any, shall be served by hand upon defendant's attorneys and filed with the court on or before June 7, 2011 at ~~5:00 P.M.~~ ^{12:00 NOON}; and it is further

ORDERED that personal service of a copy of this Order and a copy of the papers upon which this application is made upon the Defendant, located at 1165 5th Avenue, New York, New York 10029, on or before the 31st day of May, 2011, shall be good and sufficient service.

~~Security in amount of \$~~
~~by T-Mobile~~ ^{no bond shall be required.} ^{shall be posted by}
HON. Barbara S. J., U.S.D.J.

5/26/11