

**SAMPLE ORDER TO SHOW CAUSE CONTAINING
TEMPORARY RELIEF, COMMENCING ARTICLE 78
PROCEEDING AND BRINGING ON MOTION**

by

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Deputy Clerk of the Court
New York State Supreme Court
Appellate Division Third Department
Albany

SAMPLE ORDER TO SHOW CAUSE CONTAINING TEMPORARY RELIEF,
COMMENCING ARTICLE 78 PROCEEDING
AND BRINGING ON MOTION

STATE OF NEW YORK SUPREME COURT
APPELLATE DIVISION THIRD DEPARTMENT

In the Matter of JOE PETITIONER,

Petitioner,

ORDER TO SHOW CAUSE

v

MARY RESPONDENT, as Commissioner of
XXXXXXXXXXXXXX,

Respondent.

Upon the petition of Joe Petitioner, the petitioner in the above matter, verified on the ____ day of _____, 2000_, and the affidavit of said petitioner (and/or affirmation of his attorney) duly sworn to (or dated) the ____ day of _____, 200_, and upon the exhibits annexed thereto,

LET Mary Respondent, the respondent in this matter, show cause before this Court on the ____ day of _____, 200_ at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why a judgment should not be granted pursuant to CPLR article 78 annulling the _____ (*Describe administrative determination sought to be reviewed.*) and why an order should not be granted staying the _____ (*Describe administrative determination.*) pending determination of this proceeding, and for such other and further relief as this Court may deem just and appropriate. Sufficient reason appearing therefore, it is

ORDERED that the above-referenced _____ (*Describe administrative determination.*) is hereby stayed pending determination of the motion brought on by this order to show cause, and it is further

ORDERED that personal or overnight mail service of a copy of this order to show cause and the papers upon which it is granted upon respondent and upon the office of the Attorney General (or the attorney for respondent) on or before the ____ day of _____, 200_ shall be deemed good and sufficient service thereof, and it is further

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

DATED: _____, New York
_____, 200_

HONORABLE XXXXXXXXXXXXX
Associate (or Presiding) Justice
Appellate Division,
Third Judicial Department

