

Supreme Court of the State of New York
Appellate Division, First Judicial Department

PRESENT: Hon. Judith J. Gische, Justice Presiding,
Angela M. Mazzarelli
Jeffrey K. Oing
Anil C. Singh
Manuel J. Mendez, Justices.

In the Matter of the Application of	Motion Nos.	2020-03884
		2020-03885
Downtown New Yorkers Inc., Christopher	Index No.	158550/20
Brown, Megan Kessler and Daemon O'Neil,	Case No.	2020-04588
Petitioners-Appellants,		

For a Judgment Pursuant to Article 78
Of the Civil Practice Law and Rules,

-against-

The City of New York, Bill De Blasio, in
his official capacity as Mayor of the City of
New York, The New York City Department Of
Homeless Services, and Steven Banks, in
his official capacity as Commissioner of the
New York City Department of Homeless
Services,

Respondents-Respondents,

Ramone Buford, Larry Thomas and
Travis Trammel,

Intervenors-Petitioners-Appellants,

Lou Pastures,

Intervenor-Respondent,

Gary Kokalari, Robert Montano, Emily
Samuels, and West Side Community
Organization, Inc.,

Proposed Intervenors-
Respondents-Appellants.

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about November 25, 2020, which, inter alia, dismissed the Article 78 petition, vacated a temporary restraining order, and denied petitioners' motion for a preliminary injunction,

And intervenors-petitioners-appellants having moved to stay enforcement of the aforesaid order and for an injunction to enjoin the relocation by respondents of certain homeless residents from the Lucerne Shelter Hotel (201 West 79th Street) to the Radisson Hotel shelter (52 William Street), pending hearing and determination of the appeal (M-3884),

And petitioners-appellants having moved to stay enforcement of the aforesaid order and to enjoin respondents from using the Radisson Hotel (52 William Street) as routine temporary housing for certain single adult homeless men who are not directly impacted by COVID-19, or transferring certain adult homeless men from the Lucerne Hotel Shelter to the Radisson Hotel Shelter, pending hearing and determination of the appeal (M-3885),

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon, it is

Ordered that the motion by intervenor-respondents (M-3884) is granted to the extent that the forced relocation of certain homeless residents from the Lucerne Shelter Hotel (201 West 79th Street) to the Radisson Hotel shelter (52 William Street) is stayed, pending the hearing and determination of the appeal, on condition the appeal is perfected for the May 2021 Term. The City is permitted to relocate those residents who voluntarily choose to be moved, and it is further

Ordered that the motion by petitioners-appellants (M-3885) is denied.

ENTERED: January 05, 2021



Susanna Molina Rojas
Clerk of the Court