At a Special Term of the New York State Supreme Court, held in and for the County of Jefferson, on the 5 day of September 2024.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF JEFFERSON

THOUSAND ISLANDS LAND TRUST, INC.,

Plaintiff,

-against-

Index No.: EF2024-00001583

RON CLAPP and CARLETON VILLA, LLC,

Defendants.

ORDER

Defendants Ron Clapp and Carleton Villa, LLC. ("Defendants") having moved this court for leave to reargue Plaintiff, Thousand Islands Land Trust, Inc.'s ("Plaintiff"), Order to Show Cause dated April 10, 2024, and the Court's decision, as made in the Decision and Order of the Hon. James P. McClusky, Justice of the Supreme Court, Jefferson County, dated May 20, 2024, and entered into the Office of the Jefferson County Clerk on May 20, 2024, which granted Plaintiff's Order to Show Cause seeking a preliminary injunction against Defendants based on CPLR § 2214(b).

In support of said motion, Defendants submitted a Notice of Motion dated June 27, 2024, the affirmation of Julian B. Modesti, Esq., dated June 27, 2024, and a Memorandum of Law dated June 27, 2024. In opposition to said motion, Plaintiff submitted the affirmation of

Phillip A. Oswald, Esq., and Memorandum of Law in Opposition both dated August 1, 2024. In further support of said motion and in reply to Plaintiff's opposition papers, Defendants submitted the affirmation of Julian B. Modesti, Esq., and a Memorandum of Law both dated August 7, 2024.

NOW, upon reading and filing the foregoing papers, and the Court having heard oral argument on August 8, 2024, of Rupp Pfalzgraf, LLC (Phillip A. Oswald, Esq., of counsel) appearing on behalf of Plaintiff, and Harris Beach PLLC (Anthony P. Luisi, Esq., of counsel) appearing on behalf of Defendants, and the Court having given due deliberation to said motions, it is hereby

ORDERED that Defendants' motion to reargue is DENIED in its entirety,

September 11, 2024

HON. JAMES P. MC CLUSKY, J.S.C.

ENTER:

ORDER - OTHER
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Gizelle J Meeks, Jefferson County Clerk Clerk: AG