

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EAST RIVER HOUSING CORP.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED.
DOC#

DATE FILED: 11/14/2014

13 Civ. 8650 (ER)

**ORDER GRANTING
TEMPORARY RESTRAINING
ORDER AND SETTING BRIEFING
FOR PRELIMINARY
INJUNCTION**

WHEREAS, on December 5, 2013, the Government commenced this action against defendant East River Housing Corp. ("East River"), and on January 17, 2014, the Government filed an amended complaint in this action;

WHEREAS, in its pleadings, the Government alleged, among other things, that East River had violated the Fair Housing Act ("FHA"), 42 U.S.C. § 3604, in refusing to permit complainant Stephanie Aaron ("Aaron") and other East River residents to keep assistance animals in their apartments as reasonable accommodations for their disabilities;

WHEREAS, East River commenced proceedings in New York City Civil Court, Housing Part ("Housing Court"), seeking to evict Aaron from her apartment should she not remove her service animal;

WHEREAS, on November 7, 2014, the Housing Court issued an order permitting East River to proceed with evicting Aaron, "w[ith]out prej[udice] to [Aaron's] rights to seek a stay in [the] pending federal court action," *i.e.*, this case;

WHEREAS, Aaron is not a party to this case, but the Government's claims in it are based in part on East River's violations of the FHA with respect to Aaron;

WHEREAS, on November 12, 2014, the Government filed a motion seeking a temporary restraining order and preliminary injunction from this Court seeking to stay East River from taking any steps to evict Aaron or remove her dog from her apartment;

WHEREAS, on November 13, 2014, this Court issued an order to show cause why the relief sought by the Government should not be granted, ordered East River to respond to the Government's motion by November 14, 2014, at 10:00 am, and scheduled a hearing for November 14, 2014, at 11:00 am; and

Upon consideration of the parties' submissions and oral argument at the hearing,

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED, that:

1. East River is temporarily restrained from taking any steps (including seeking any eviction warrants or other orders from the Housing Court or any other state court) to evict or otherwise remove Aaron or her assistance animal from her apartment at East River until further order of the Court.

2. East River shall file its opposition papers to the Government's preliminary injunction application no later than November 21, 2014, and the Government may file its reply no later than November 25, 2014.

3. If East River fails to comply with paragraph 1 of this Order, the Government may seek appropriate relief from the Court, including a finding of contempt, as well as the imposition of contempt sanctions.

SO ORDERED:

Dated: New York, New York
November 14, 2014


HON. EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

3. A hearing on the petition for preliminary injunction will be held on Wednesday, November 26, 2014 at 9:30am.