

CPLR ARTICLE 63: INJUNCTION.

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Application for Preliminary Injunction shall be on notice; in the interim: a Temporary Restraining Order (TRO) may be granted *without* notice, if immediate/irreparable harm will otherwise occur, or if the Plaintiff's rights will be violated.

Injunction on the STATE can only be by Supreme Court; service must also be on Assistant Attorney General at office in that county, else nearest.

An Affidavit shall accompany all applications, stating: the underlying cause action; and that Defendant's present actions will render final judgment ineffective OR that Plaintiff would otherwise be entitled to Restraint as a final outcome (upon prevailing).

Plaintiff (excluding the State) must UNDERTAKE for a preliminary injunction, MAY be so required for a TRO.

A TRO shall be *personally* served (unless Court so dispenses).

Motion to modify/vacate an injunction shall be in notice; for a TRO, MAY be without notice. The Court MAY require defendant to undertake in either such case. An order granting such application is effective when served on Plaintiff, AND filed.

The Supreme Court may enjoin the sale or distribution of "obscene prints", as defined in Penal Law section 235.00. The Plaintiff would be the District Attorney, Chief Executive, Corporation Counsel, or other Chief Legal Officer. Defendant is entitled to trial within 1 day of joinder; decision within 2 days of verdict/decision.

If Plaintiff's application above is granted, Defendant must surrender prints to Sheriff for seizure and destruction. Plaintiff shall NOT be required to undertake; and will not be liable for costs or damages if prevailing.

For prints falling under Penal Law section 235.21, the Court (in addition to granting/denying application) can also exercise the relief of enjoining sale to persons under 17.