

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

LANESBOROUGH 2000, LLC,

23-cv-07584 (PKC)

Petitioner,

ORDER

-against-

NEXTRES, LLC,

Respondent.

-----x

CASTEL, United States District Judge

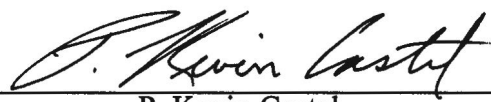
Lanesborough 2000, LLC (“Lanesborough”) has filed an amended petition to confirm an arbitration award and respondent Nextres, LLC (“Nextres”) has filed a cross-petition to vacate the award.

On Sunday December 31, 2023, Lanesborough 2000, LLC filed an “Emergency Motion” for a temporary restraining order and preliminary injunction. A motion so styled has captured the immediate attention of the judge to whom it is assigned.

What then is the emergency? According to the “Emergency Motion,” Nextres filed an action in state court based upon the underlying claim that was the subject of arbitration on November 15, 2023, roughly six weeks before the filing of the “Emergency Motion.” Lanesborough has favored the Court with neither a copy of the state court complaint, nor its caption, nor its docket number. All that the Court is told is that it is pending in Steuben County, New York, and if the state court action proceeded to judgment a parade of horrors (described in the motion) would ensue.

The “Emergency Motion” is not brought on by Order to Show Cause, contains no proposed temporary restraining order and no proposed preliminary injunction. No affidavit in support has been filed and no exhibit has been submitted.

In the absence of any showing that irreparable harm would ensue in the time necessary to adjudicate the “Emergency Motion,” the application for a temporary restraining order is denied. Nextres time to respond to the motion and Lanesborough’s time to reply are governed by Local Civil Rule Civil 6.1. Upon review of the written submissions, the Court will determine whether a hearing of any kind is required.



P. Kevin Castel
United States District Judge

Dated: New York, NY
January 1, 2024, 3:40 p.m.