

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



LIZA ENGESSER, MARISOL
GETCHIUS, GEETANJALI
SEEPERSAUD by her Next Friend
SAVITRI SEEPERSAUD, and MARIA
JAIME on her own behalf and as Next
Friend to Y.P.S. and C.P., individually
and on behalf of all persons similarly
situated; BROOKLYN CENTER FOR
INDEPENDENCE OF THE
DISABLED, and REGIONAL
CENTER FOR INDEPENDENT
LIVING,

Plaintiffs,

-against-

JAMES V. MCDONALD, as
Commissioner Of The New York State
Department Of Health,

Defendant.

**TEMPORARY RESTRAINING
ORDER, ORDER TO SHOW
CAUSE FOR A PRELIMINARY
INJUNCTION, AND ORDER
WAIVING RULE 65(c)'s BOND
REQUIREMENT**

Case No. 25-CV-1689

Appearances:

For the Plaintiffs:

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For the Defendant:

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BLOCK, Senior District Judge:

Upon review of Plaintiffs' Complaint, the accompanying declarations, and the memoranda of law submitted in support of this Order, and for good cause shown, it is hereby:

ORDERED that, for the reasons set forth in Plaintiffs' Memorandum of Law In Support of Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction, Plaintiffs' request for a temporary restraining order be and hereby is GRANTED; and it is further

ORDERED that, pending further Order of this Court, Defendant James V. McDonald, as Commissioner of the New York State Department of Health, shall, upon filing of this Order, be immediately and temporarily restrained from implementing those sections of Part HH of Chapter 57 of the New York Session Laws of 2024 (the "CDPAP" Amendment) that amend subdivision 4-a(ii-a) (see section 1 of Part HH) and 4-a-1(a) (see section 3 of Part HH) of section 365-f of the social services law. Importantly, this Order does not prevent the Statewide Fiscal Intermediary ("PPL") from operating, processing applications, servicing and paying CDPAP participants who have already registered with PPL. Rather, this Order restrains Defendant from disallowing other Fiscal Intermediaries from servicing those CDPAP participants who have not yet registered with PPL; and it is further

ORDERED that, for the reasons set forth in Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion to Waive Bond for a Temporary Restraining Order and Preliminary Injunction, Plaintiffs' request that the Court waive Rule 65(c)'s bond requirement in connection with the above temporary restraining order be and hereby is GRANTED; and it is further

ORDERED that Plaintiffs shall attempt in good faith to effect service of the Summons and Complaint, and this Order, together with copies of the papers in support thereof, within four business days of the undersigned date on Defendant; and it is further

ORDERED that Defendants shall show cause before this Court on April 4, 2025, at eleven o'clock a.m., why an appropriate preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, should not be issued enjoining Defendant until further order of the Court; and finally, it is

ORDERED that the parties may submit memoranda of law in opposition to or in support of the preliminary injunction on or before five o'clock p.m. on April 2, 2025.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 31, 2025