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WESTCHESTER SUPREME
AND COUNTY COURTS

At and IAS Part of the Supreme Court of the State of New York Held in and for the County of Westchester, located at 111 Dr. Martin Luther King, Jr. B'lv. White Plains, New York 10601 on the 11th day of October, 2007

PRESENT: HON. Gerald E. Lock
J.S.C.

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F. WARREN BENTON, MICHAEL P. WEINER, JANICE:
A. RING, FRANCES P. O'CONNOR, ANTHONY C. :
PAVIN, NORA J. CARLSON, and JOHN TROY :

Petitioners, :

-against- :

ELIZABETH N. FELD, Mayor, MARLENE KOLBERT, :
Trustee, ANNE McANDREWS, Trustee, JIM :
MILLSTEIN, Trustee, RICHARD WARD, Trustee, :
constituting the Village of Larchmont Board of Trustees, :
and EILEEN A. FINN, Clerk of the Village of Larchmont, :

Respondents :
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ORDER TO SHOW CAUSE

Index No. 20860/07

Upon reading and filing the affidavit of F. Warren Benton sworn to the 10th day of October, 2007, the affirmation of Steven M. Silverberg, Esq. dated October 10, 2007 the Verified Petition, verified on the 10th day of October, 2007 and Petitioners' Memorandum of Law and all of the proceedings heretofore had herein;

LET the Respondents SHOW CAUSE before the Honorable Gerald E. Lock Justice of the Supreme Court on the 26th day of October, 2007, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel may be heard, at the County Courthouse, located at 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, New York 10601,

WHY an Order and Judgment should not be made and entered pursuant to provisions of the Election Law section 16-116, Articles 9 and 10 of the Village Law and Article 78 of the CPLR directing that (1) the Respondents set an election on referenda within no less than ten (10) days and no more than sixty (60) days for the purpose of presenting the issues raised in the two sets of petitions filed with the Larchmont Village Clerk on June 13, 2007 and June 15, 2007 objecting to and seeking an election on referenda on two resolutions adopted on May 16, 2007 by the Respondent members of the Village Board of the Village of Larchmont concerning the Village of Larchmont Fire Department, (2) such election shall be conducted in the manner proscribed by law, (3) the Respondents shall be bound by the results of such election in the governance of the Village of Larchmont Fire Department and (4) such other and further relief as this Court may deem just and proper;

SUFFICIENT CAUSE APPEARING THEREFOR, it is hereby

ORDERED, that all papers in opposition to the within application shall be served upon Petitioner's attorneys, Steven M. Silverberg of Silverberg Zalantis LLP so as to be received at least five days prior to the return date of this application, and it is further

ORDERED, that service upon the Respondents of this Order to Show Cause with supporting papers by delivering same personally to the office of the Village Clerk of the Village of Larchmont by October 12, 2007 shall be deemed good and sufficient service.

ENTER:



J.S.C.