

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

COUNCIL FOR RESPONSIBLE NUTRITION

Plaintiff,

v.

LETITIA JAMES, in her official capacity as New  
York Attorney General,

Defendant.

Case No. : 1:24-cv-01881

**PLAINTIFF’S EMERGENCY MOTION FOR ORDER TO SHOW CAUSE FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff Council for Responsible Nutrition (“CRN”), hereby moves for the entry of an Order to Show Cause for Motion for Temporary Restraining Order and Preliminary Injunction. For the reasons set forth in the accompanying Memorandum of Law, declarations, and CRN’s Verified Complaint (ECF No. 1), CRN seeks temporary and preliminary injunctive relief against Leticia James, in her official capacity as New York Attorney General, enjoining her enforcement of Bill A5610, effective April 22, 2024 (to be codified at NY Gen. Bus. Law § 391-oo, collectively referred to as the “Act”). The relief sought is necessary to preserve the status quo and to prevent irreparable harm.

A proposed order to show cause is attached hereto as **Exhibit A**. CRN respectfully requests that the Court enter the proposed order to show cause, and any further relief this Court deems just and proper.

Dated: April 3, 2024

Respectfully submitted,

COZEN O'CONNOR



BY: \_\_\_\_\_

Michael de Leeuw

Tamar Wise

Sarah Krissoff

Arianna K. McLaughlin (*pro hac  
pending*)

3 WTC, 175 Greenwich Street

55th Floor

New York, NY 10007

(212) 883-2250

# Exhibit A

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**ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION  
AND TEMPORARY RESTRAINING ORDER**

Upon the declarations of Steven M. Mister, Esq., Anne Talash Likimani, Barry W. Ritz, PhD, Eugene Ung, Gale Bensussen, Michael Finamore, Scott Yagoda, Esq., Steve Poswillo, Taneesha Routier, and Travis Borchardt and upon the copy of the Verified Complaint hereto annexed, it is ORDERED, that the above named defendant show cause before a motion term of this Court, at Room , United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendant during the pendency of this action from enforcing Bill A5610, effective April 22, 2024 (to be codified at NY Gen. Bus. Law § 391-00, collectively referred to as the “Act”); and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendant is temporarily restrained and enjoined from enforcing the Act; and it is further

ORDERED that security in the amount of \$\_\_\_\_\_ be posted by the plaintiff prior to \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ of that day; and it is further

ORDERED that personal service of a copy of this order and annexed affidavit upon the defendant or his counsel on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_, \_\_\_\_\_, shall be deemed good and sufficient service thereof.

DATED: New York, N.Y  
ISSUED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Andrew L. Carter  
United States District Judge