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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK : CIVIL TERM : PART 4  
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GEORGE LINDEMANN, JR., MARION HULICK,  
CELLULAR FARMS, INC.,

Plaintiffs,

Index No.

-against-

124754/94

THE AMERICAN HORSE SHOW ASSOCIATION, INC.,

Defendant.

----- x

April 12, 1995  
60 Centre Street  
New York, NY 10007

B e f o r e :

Hon. Edward J. Greenfield, Justice.

A p p e a r a n c e s :

JAY GOLDBERG, P.C.  
Attorney for Plaintiff LINDEMANN  
250 Park Avenue  
New York, New York 10177

JUDD BURSTEIN, P.C.  
Attorney for Plaintiff HULICK  
99 Park Avenue  
New York, New York 10016

SAUL RUDES, ESQ.  
Attorney for Plaintiff HULICK  
488 Madison Avenue  
New York, New York 10022

TENZER GREENBLATT, LLP  
Attorneys for Defendant  
405 Lexington Avenue  
New York, New York 10174

BY: IRA A. FINKELSTEIN, ESQ., and  
FREDDA L. PLESSER, ESQ.

William L. Kutsch  
Senior Court Reporter

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2  
3 PATTERSON, BELKNAP, WEBB & TYLER, ESQS.  
4 Attorneys for Defendant  
5 1133 Avenue of the Americas  
6 New York, New York 10036-6710  
7 BY: HAROLD R. TYLER, JR., ESQ., and  
8 SAUL B. SHAPIRO, ESQ., and  
9 ANDREW TUREFF, ESQ.

6 REYNOLDS, RICHARDS, LAVENTURE,  
7 HADLEY & DAVIS, ESQS.  
8 Attorneys for Defendant  
9 67 Wall Street  
10 New York, New York 10005  
11 BY: WILLIAM A. ROOS, IV, ESQ.

10 MINUTES OF COURT'S DECISION

11  
12 \*\*\* \*\* \*

13 THE COURT: The Court has  
14 considered the arguments which have been  
15 presented in connection with the Order  
16 to Show Cause and the application for  
17 the Temporary Restraining Order. The  
18 Court is not prepared at this time to  
19 issue a definitive decision with respect  
20 to the issue of jurisdiction. I think  
21 there are some preliminaries with  
22 respect to law of the case and other-  
23 wise, indicating that the Court may not  
24 be entirely without jurisdiction. So at  
25 least for the purpose of ruling on the

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1  
2 Temporary Restraining Order, I will  
3 assume there is jurisdiction unless and  
4 until I hold otherwise.

5 I have reviewed the findings of the  
6 Committee. They raise a number of ques-  
7 tions in my mind, and I'm fully aware of  
8 the stigma that follows a suspension.

9 I'm also fully aware of the fact  
10 that in an Article 78 proceeding I have  
11 to of course give great weight to the  
12 findings of the administrative body. We  
13 have talked for some period of time with  
14 respect to balancing of the equities and  
15 the relative harm that will befall the  
16 parties if a TRO is or is not granted.

17 Frankly, I don't see dire conse-  
18 quences to either side if the Court does  
19 or does not grant such a Temporary  
20 Restraining Order. Mr. Lindemann and  
21 Miss Hulick would like to be able to  
22 compete, at least in the Virginia meet  
23 coming up this weekend, and the Port  
24 Jervis meet coming up shortly there-  
25 after. If they do not, I really don't

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1  
2 think that their livelihoods or ability  
3 to compete in the future will be  
4 seriously hampered.

5 On the other hand, we are told that  
6 the Association is having difficulties  
7 getting sponsorship, and I'm not entire-  
8 ly convinced that that is attributable  
9 to the fact that Mr. Lindemann and Miss  
10 Hulick have to this point remained  
11 unsuspending. My understanding is that  
12 the parties, that the Association at any  
13 rate, has agreed to withhold its order  
14 of suspension until today so that we  
15 could have the opportunity to argue it,  
16 and I think under all the circumstances,  
17 seeing no great harm that would befall  
18 anyone and with the disadvantages of  
19 stigmatization and an inability to  
20 compete on the part of the two indi-  
21 viduals involved, that the Court will  
22 grant a Temporary Restraining Order to  
23 the extent of permitting them to compete  
24 in the two specified shows, that is, the  
25 Virginia show and the Port Jervis show.

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## Proceedings

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And inasmuch as the Association has not officially issued its suspension as yet, it can avoid any negative connotation and negative publicity by continuing to withhold the suspension order unless and until the Court directs otherwise, at least for a two-week period.

So, under those circumstances and after hearing full argument from all sides, the Court will grant the Temporary Restraining Order to the extent indicated for the purpose of permitting Mr. Lindemann and Miss Hulick to participate and/or attend the two specified meets during the next two-week period or three-week period. The Court will then pass on the application for the injunction papers which are to be ~~received by next Wednesday, and there~~ will be a final decision thereupon.

That is the decision and order of the Court. I will sign the Order to Show Cause with the TRO but I will

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Proceedings

1  
2 modify it to the extent tenant  
3 indicated.


4 \*\* \*\* \*\*

5 (At this time the proceedings were  
6 concluded.)

7 -oOo-

8 CERTIFICATION:

9 This is to hereby certify that the foregoing is a  
10 true and accurate transcript of the proceedings as  
11 reported by me.

12   
13 William L. Kutsch  
14 Senior Court Reporter

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