

3. NRP presented its petition for a writ of habeas corpus to this Court on October 2, 2018 with an *ex parte* proposed order to show cause.

4. The Court signed the order to show cause on November 16, 2018, scheduling oral argument for December 14, 2018.

5. Less than one week after the Court signed the order, Respondents demanded a change in venue from Orleans County to Bronx County, as required by CPLR 511. **Exhibit 1** is a copy of Respondents' demand for a change in venue.

6. NRP did not consent to this change in venue.

7. Pursuant to CPLR 511 and 7004(c), Respondents moved to change venue to Bronx County on December 3, 2018. **Exhibit 2** is a copy of Respondents' Notice of Motion, dated December 3, 2018.

8. Respondents and NRP submitted written arguments in support of and opposing this motion, respectively, and appeared for oral argument before this Court on December 14, 2018.

9. At the conclusion of oral argument, this Court granted Respondents' motion to change venue, and stated it "will be sending this to Bronx County as a result." **Exhibit 3** is a copy of the corrected transcript of oral argument held December 14, 2018.

10. After hearing the Court's decision to transfer venue, counsel for Petitioner requested "one attempt to change [the Court's] mind," which the Court granted. Ex. 3, at 32.

11. NRP's counsel then argued that this Court had rendered an "improper" decision because venue is proper in Orleans County, and this Court had no authority change venue to Bronx County. *Id.* at 31-34.

12. This Court allowed counsel for Respondents' to reply to NRP's second argument. Counsel for Respondents identified NRP's position as a motion to reargue, and responded accordingly. *Id.* at 34.

13. Specifically, Respondents noted that every consideration under CPLR Article 5 required a change in venue to Bronx County. *Id.*

14. Respondents further argued that, even if Orleans County was a permissible venue under the CPLR, this Court had the discretion to transfer venue to the Bronx. *Id.* at 34-35.

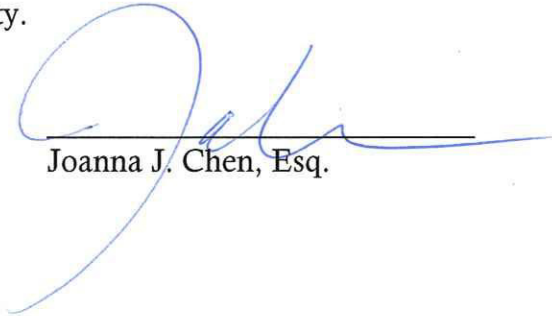
15. The Court maintained its original decision, stating: "I put my reasons on the record, and I'll stand by them." *Id.* at 35.

16. Before the Order regarding Respondents' motion to change venue had been finalized, NRP served another order to show cause on January 8, 2019, seeking to "stay[] the transfer of this proceeding "so that the Petitioner may file a motion seeking leave to reargue this Court's order to transfer venue." **Exhibit 4** is a copy of NRP's Proposed Order to Show Cause.

17. The Court signed NRP's order to show cause for a stay on Friday, January 11, 2019. Respondents received a copy of the signed Order from NRP's counsel five days later via email on Wednesday, January 16, 2019.

18. The Court entered an Order granting Respondents' motion to change venue on January 18, 2019. **Exhibit 5** is a copy of the Order.

19. On January 23, 2019, NRP filed a motion for leave to reargue the change of venue from Orleans to Bronx County.



Joanna J. Chen, Esq.

Sworn to before me this
25th day of January, 2019



Notary Public
WILLIAM V. ROSSI
No. 02RO0350075
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 05/15/2021

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