

At I.A.S. Part 48 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, located at 60 Centre Street, New York, New York, on February 15th 2019

SUPREME COURT OF NEW YORK
COUNTY OF NEW YORK

SPACE RACE, LLC,

Petitioner,

v.

ALABAMA SPACE SCIENCE EXHIBIT
COMMISSION d/b/a U.S. SPACE &
ROCKET CENTER,

Respondent.

Civil Action No. 655649/2018

**ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS**

MOTION SEQUENCE 003

Upon reading and filing of the accompanying Emergency Affirmation of Gabriel Berg, with exhibits, dated February 14, 2019, and the memorandum of law in support; and upon the all prior records and proceedings in this matter; and good cause having been alleged:

LET respondent Alabama Space Science Exhibit Commission D/B/A U.S. Space & Rocket Center ("USSRC") show cause before the Hon. Andrea Masley, J.S.C., in Room 242 of the courthouse located at 60 Centre Street, New York, New York, on March 8, 2019 at 10^{am} o'clock in the [a.m.] AM, or as soon thereafter as counsel may be heard, why this Court should not enter an Order preliminarily restraining and enjoining USSRC, its officers, directors, employees, attorneys, agents and representatives, and all persons acting or purporting to act on its behalf with notice hereof, pending the final determination of this proceeding, from taking any steps before the Alabama courts to stay, vacate or modify the final arbitration award, dated November 13, 2018 ("Award") and rendered

by a ~~MAN~~ ^{DOLLY} appointed panel of American Arbitration Association arbitrators in connection with an arbitration proceeding between Petition and Respondent, and which is the subject of the Petition to Confirm Award, filed against USSRC by Space Race LLC ("**Space Race**") with this Court on December 14, 2018 (the "**First-Filed New York Proceeding**"), including, without limitation, by (a) seeking to prosecute the proceeding filed thereafter by USSRC on February 13, 2018 in The Circuit Court for Madison County, Alabama, styled *Alabama Space Science Exhibit Commission d/b/a U.S. Space & Rocket Center v. Space Race, LLC*, 47-CV-2019-900316.00 ("**Second Filed Alabama Proceeding**"); and (b) seeking to stay the Award, this First Filed Proceeding or the ongoing efforts of Space Race to prosecute this First Filed New York Proceeding.

IT IS FURTHER ORDERED that pending ~~the Court's~~ ^{the} hearing and ~~determination of the~~ ^{of this order to show cause} ~~motion by injunctive relief brought on~~ ^{of} this Order to Show Cause, USSRC, its officers, directors, employees, attorneys, agents and representatives, and all persons acting or purporting to act on its behalf with notice hereof, **are hereby RESTRAINED and ENJOINED** from taking any steps in the Second Filed Alabama Proceeding or otherwise, to seek any Order from the Alabama courts to (1) stay, vacate or modify the Award or (2) enjoin this Court from granting, or Space Race from seeking to obtain, the relief sought by the pending Petition filed in this First Filed New York Proceeding; **provided, however**, this this Order shall not bar USSRC or Space Race from notifying the Alabama court(s) of the issuance of this Order or the status of this First Filed Proceeding; and

IT IS FURTHER ORDERED that Petitioner Space Race shall serve upon counsel for Respondent USSRC a copy of this Order to Show Cause, along with the Supporting Papers, on or before February 19 2018, which shall be deemed good and sufficient service thereof;

by ECF and email

HON. ANDREA MASLEY
 JS

IT IS FURTHER ORDERED that opposition papers, if any, shall be served so as to be received

by ECF aw email

by counsel for Petitioner USSRC, Kennedy Berg LLP, 401 Broadway, Suite 1900, New York, New York 10013, on or before 2/25/19, 2019; and *5pm* *Reply by 3/1/19 @ 5pm*

IT IS FURTHER ORDERED that a hearing on this application is directed on the return date of *August* this Order to Show Cause.

*ECF
aw
email*

HON. ANDREA MASLEY

ENTER:

Andrea Masley
HON. ANDREA MASLEY

