

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: October 3, 2019

530123

In the Matter of VAPOR TECHNOLOGY
ASSOCIATION et al.,

Petitioners,

v

DECISION AND ORDER
ON MOTION

ANDREW M. CUOMO, as Governor of
the State of New York, et al.,

Respondents.

Motion for permission to appeal and for stay pending appeal.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion for permission to appeal is treated as a motion, pursuant to CPLR 5704 (a), to review an order of Supreme Court, Albany County, dated September 27, 2019, which denied petitioners' application for a temporary restraining order, and it is further

ORDERED that the motion is granted, without costs, to the extent that respondents are temporarily enjoined and prevented from enforcing Subpart 9-3 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, titled "Prohibition on the Sale of Electronic Liquids with Characterizing Flavors," pending the determination by Supreme Court, Albany County, of petitioners' motion for a preliminary injunction, and it is further

ORDERED that the motion for a stay pending appeal is denied, without costs, as academic.

Clark, J.P., Mulvey, Devine and Pritzker, JJ., concur.

ENTER:



Robert D. Mayberger
Clerk of the Court