

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

WAYNE JEFFERS, Plaintiff, v. MARIE THERESE DOMINGUEZ, in her individual capacity,
Commissioner of the New York State Department of Transportation, Defendant. Case No.
_____ PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

I. Introduction

Plaintiff Wayne Jeffers respectfully moves this Court for a Temporary Restraining Order and Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure. Immediate relief is necessary to prevent further obstruction, deterioration, and destruction of the historic Hastings-on-Hudson gas station site along the Saw Mill River Parkway south of Farragut Parkway, pending resolution of this action.

II. Legal Standard

Under Fed. R. Civ. P. 65, a TRO and preliminary injunction may issue when the movant demonstrates:

1. Likelihood of success on the merits;
2. Irreparable harm absent relief;
3. Balance of equities tipping in the movant's favor; and
4. That the injunction serves the public interest.

III. Irreparable Harm

Plaintiff will suffer irreparable harm absent immediate injunctive relief. The Hastings-on-Hudson historic gas station site is a unique and irreplaceable cultural resource. Once further deterioration occurs, the damage cannot be remedied by monetary compensation or future restoration efforts. Courts have consistently recognized that the destruction of historic property constitutes irreparable harm because such loss is permanent and cannot be adequately measured in financial terms.

- **Physical Deterioration:** The site has already suffered significant neglect, including driveway obstruction, unchecked vegetation growth, and structural decay. Each passing day without intervention accelerates deterioration, making eventual preservation impossible.
- **Loss of Historic Integrity:** The station represents a rare surviving example of early 20th-century roadside architecture. Continued obstruction and neglect will permanently compromise its historic integrity.

- **Community Impact:** The site is of public importance to the Hastings-on-Hudson community and Westchester County. Its destruction would deprive the public of a shared cultural heritage.
- **Inadequacy of Legal Remedies:** Monetary damages cannot restore a historic structure once lost. Only immediate injunctive relief can preserve the status quo and prevent irreversible harm.

IV. Public Interest

Granting injunctive relief strongly serves the public interest. The Hastings-on-Hudson site represents shared cultural and architectural heritage for the residents of Westchester County and the broader community along the Saw Mill River Parkway.

- **Preservation of Heritage:** The site embodies early 20th-century roadside architecture and reflects the evolution of transportation and commerce in New York State.
- **Community Benefit:** Protecting the site ensures that current and future generations can learn from and enjoy this historic resource.
- **Government Accountability:** Enjoining NYSDOT from further obstruction or neglect promotes transparency and accountability in the stewardship of public resources.
- **Balance Against Harm:** The requested relief imposes minimal burden on Defendant, while safeguarding a unique cultural asset for the community.

V. Relief Requested

Plaintiff respectfully requests that this Court issue a Temporary Restraining Order and Preliminary Injunction:

1. Enjoining Defendant NYSDOT and its agents from obstructing, altering, or permitting further deterioration of the Hastings-on-Hudson historic gas station site;
2. Requiring Defendant to take immediate preservation measures to maintain the status quo;
3. Preserving the site until final judgment in this matter.

VI. Proposed Order

IT IS HEREBY ORDERED that Defendant NYSDOT and its agents are temporarily restrained from obstructing, altering, or permitting further deterioration of the Hastings-on-Hudson historic gas station site pending further order of this Court.

VII. Conclusion,

For the foregoing reasons, Plaintiff respectfully requests that the Court grant his Motion for Temporary Restraining Order and Preliminary Injunction.

Respectfully submitted, Wayne Jeffers *Wayne Jeffers*
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