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| SUPREME COURT STATE OF NEW YORK | APPROVED | COMMERCIAL DIVISION SUPPORT OFFICE | <input type="checkbox"/> NOT <input checked="" type="checkbox"/> X-MOT | CLERKS INITIALS |
|------------------------------------|-----------------|---------------------------------------|---|--------------------|

At IAS Part 54 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse thereof located at 60 Centre Street, in Room 228 on this 17th day of February, 2010.

PRESENT:

MOTION SEQUENCE # 002148

001 003551

Justice

-----X

ARBITRON INC.,
Plaintiff,

This document has
NOT been
E-Filed

v.

SPANISH BROADCASTING SYSTEM, INC.,
Defendant.

-----X

Index No. 600366/10

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER**

Upon reading and filing the Affidavit of Carol Hanley sworn to on February 9, 2010 and the Declaration of Beth Webb dated February 9, 2010, and the exhibits annexed thereto, and upon the pleadings and proceedings herein, and sufficient cause appearing therefor, it is hereby

ORDERED that Defendant Spanish Broadcasting System, Inc. show cause before the Honorable AD Kaufman Justice at IAS Part 54, Room 228 thereof, to be held at the Courthouse, 60 Centre Street, New York, New York, on the 16 day of February, 2010 at 11 a.m./p.m. of that day or as soon thereafter as counsel can be heard, why an order should not be granted pursuant to CPLR §6301, compelling the Defendant, its agents, servants, employees, officers, and all persons in active concert and participation with it to perform its obligation under a certain "Encoding Agreement for Spanish Broadcasting System, Inc." dated June 6, 2007, by activating the Arbitron broadcast encoders and resuming the encoding of all broadcasts of all radio stations under Defendant's ownership or control pursuant to that Agreement; and it is further

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JSC
ORDERED that pending the hearing ~~and determination~~ of this motion, Defendant, its agents, servants, employees, officers, and all persons in active concert and participation with it shall activate the Arbitron broadcast encoders and resume the encoding of all broadcasts of all radio stations under Defendant's ownership or control pursuant to that Agreement; and it is further

JSC
ORDERED that Plaintiff shall post a bond on or before Feb 16, 2010 in the amount of \$100,000 which shall be deemed sufficient as security for the payment of such costs and damages as may be incurred or suffered by any party subsequently found to be wrongfully enjoined or restrained hereby; and it is further

JSC
ORDERED, that service of the Summons and Complaint and of this Order and supporting papers by electronic means and overnight mail ~~or by personal delivery~~ to Defendant's offices at 2601 South Bayshore Drive, Penthouse II, Coconut Grove, Florida 33133, on or before Feb 12/10, shall be deemed good and sufficient service; and it is further

JSC
ORDERED, that Defendant's answering papers, if any, shall be filed with the Clerk of the Court and personally served upon Arbitron's counsel, Dickstein Shapiro LLP, 1633 Broadway, New York, New York, 10019, so as to be received by them no later than _____, and it is further

JSC
ORDERED that Plaintiff's reply papers, if any, shall be filed with the Clerk of the Court and served upon Defendant by electronic means and overnight mail or by personal delivery to Defendant's offices at 2601 South Bayshore Drive, Penthouse II, Coconut Grove, Florida 33133 on or before _____; and it is further

JSC
ORDERED that Defendant is hereby given notice that failure to attend the hearing scheduled herein may result in the granting of the relief requested by Plaintiff herein, immediate issuance of the preliminary injunction to take effect immediately upon the expiration or

JSC
JUSTICE SHIRLEY WERNER KORNREICH
2/11/10

dissolution of the within temporary restraining order, and may otherwise extend for the pendency of this litigation upon the same terms and condition as comprise this temporary restraining order. Defendant is hereby given further notice that it may be deemed to have actual notice of the issuance and terms of such preliminary injunction, and that any act by it in violation of any of terms of this Order may be considered and prosecuted as contempt of this Court.

E N T E R

J. S. C.

**ORAL ARGUMENT
DIRECTED**

J.S.C.