

At IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at the Supreme Court Building, 60 Centre Street, New York, New York on the ____ day of November 2020

Hon. _____, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
EROS MANAGEMENT AND REALTY,
LLC, PIONEER MANAGEMENT AND
REALTY, LLC, and JOHN SHARMA,

Plaintiffs,

INDEX NUMBER _____

ORDER TO SHOW CAUSE

-against-

AC35 HOTEL PARTNERS LLC,

Defendant.

-----X

UPON the annexed Affirmation of Austin Graff, Esq. affirmed to on the 10th day of November 2020, the Affidavit of John Sharma, sworn to on the 10th day of November 2020, and the accompanying Exhibits, and the accompanying Memorandum of Law, no prior application having been made for the relief requested herein,

LET THE PARTIES SHOW CAUSE before this Court's Hon. _____, J.S.C., at Individual Assignment Part ____, to be held at the Courthouse located at Supreme Court Building, 60 Centre Street, New York, New York, on the ____ day of November 2020 at 9:30 a.m. or as soon thereafter that counsel can be heard, why an Order should not be made and entered:

restraining and enjoining the Defendant AC35 HOTEL PARTNERS LLC, its members, employees, agents, and attorneys from declaring a default against the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, or JOHN SHARMA relating to a certain Settlement

Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and

restraining and enjoining the Defendant AC35 HOTEL PARTNERS LLC, its members, employees, agents, and attorneys from enforcing any Promissory Note issued by the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, or JOHN SHARMA relating to a certain Settlement Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and

restraining and enjoining the Defendant AC35 HOTEL PARTNERS LLC its members, employees, agents, and attorneys from filing any Confessions of Judgment executed by the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, or JOHN SHARMA relating to a certain Settlement Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and

restraining and enjoining the Defendant AC35 HOTEL PARTNERS LLC its members, employees, agents, and attorneys from taking any collection efforts against the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, or JOHN SHARMA relating to any default under that certain Settlement Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and

other and further relief which the Court deems appropriate.

SUFFICIENT CAUSE APPEARING THEREFOR, IT IS:

ORDERED, pending further Order of the Court, the Defendant AC 35 HOTEL PARTNERS LLC, its members, employees, agents, and attorneys are hereby restrained and enjoined from declaring a default against the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, or JOHN SHARMA relating to a certain Settlement Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and it is further

ORDERED, pending further Order of the Court, the Defendant AC 35 HOTEL PARTNERS LLC, its members, employees, agents, and attorneys are hereby restrained and enjoined from enforcing any Promissory Note issued by the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, or JOHN SHARMA relating to a certain Settlement Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and it is further

ORDERED, pending further Order of the Court, the Defendant AC 35 HOTEL PARTNERS LLC, its members, employees, agents, and attorneys are hereby restrained and enjoined from filing any Confessions of Judgment executed by the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, and JOHN SHARMA relating to a certain Settlement Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and it is further

ORDERED, pending further Order of the Court, the Defendant AC35 HOTEL PARTNERS LLC, its members, employees, agents, and attorneys are hereby restrained and enjoined from taking any collection efforts against the Plaintiffs EROS MANAGEMENT AND REALTY, LLC, PIONEER MANAGEMENT AND REALTY, LLC, and JOHN SHARMA relating to any default under that certain Settlement Agreement executed on or about October 31, 2019 and the Purchase and Sale Agreement executed on or about October 31, 2019; and it is finally

ORDERED, delivery of a copy of this Order to Show Cause together with the accompanying supporting papers and the commencement papers as described below:

CHIP WEISS
AC35 HOTEL PARTNERS LLC
585 North Barry Avenue
Mamaroneck, New York 10543

JOSEPH E. CZERNIAWSKI
CONDON & FORSYTH LLP
7 Times Square, 18th Floor
New York, New York 10036

shall be deemed good and sufficient service, provided that the Petitioner "completes" such service within the meaning of CPLR § 2103(b)(6) on or before the ____ day of October 2020.

ENTER,

_____, J.S.C.
_____, J.S.C.