

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VISION BIOBANC HOLDINGS, LLC,

Plaintiff,

v.

DEREK R. TALLER,

Defendant.

Index No. 651706/2024

Hon. Margaret A. Chan, J.S.C.

NOTICE OF ENTRY

PLEASE TAKE NOTICE that the attached is a true copy of the decision and order on Mot. Seq. No. 002, signed by the Hon. Margaret A. Chan in the above matter, and was entered in the office of the Clerk of the Supreme Court, New York County, on the 17th day of April, 2024.

DATED: April 17, 2024

Respectfully submitted,



Andrew W. Robertson
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New York, NY 10007
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At Part 49 of the Supreme Court for the State of New York held in and for the County of New York at the Courthouse thereof, located at 60 Centre Street, New York, New York on the 16th day of April, 2024.

PRESENT: Margaret A. Chan, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VISION BIOBANC HOLDINGS LLC,

Plaintiff,

v.

DEREK R. TALLER,

Defendant.

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ORDER TO SHOW CAUSE

Motion Sequence: #002

Upon the Affidavit of Barry Saxe, the exhibits annexed thereto, and all the pleadings and proceedings heretofore had herein, and for the reasons stated in Plaintiff Vision BioBanc Holdings, LLC's (the "Company") memorandum of law in support hereof, and for good cause having been shown:

LET Defendant Derek R. Taller ("Defendant") appear before this Court in Part 49, Room 252, at the Courthouse located at 60 Centre Street, New York, New York, on the 21st day of May, 2024, at a.m./p.m. that day, or as soon thereafter as counsel may be heard, and show cause why an Order should not be entered:

- a. Enjoining Defendant, and anyone acting in concert with Defendant, from disputing or contesting the managerial authority of the Company's current Board of Managers or their designees;

- b. Enjoining Defendant, and anyone acting in concert with Defendant, from representing that Defendant has managerial authority with respect to the Company;
- c. Enjoining Defendant, and anyone acting in concert with Defendant, from purporting to conduct business on behalf of the Company;
- d. Enjoining Defendant, and anyone acting in concert with Defendant, from purporting to provide instructions, directions, or orders on behalf of the Company to any of its service providers, counterparties, consultants, advisors, or legal counsel;
- e. Enjoining Defendant, and anyone acting in concert with Defendant, from accessing, using, or moving any money or assets belonging to the Company; and
- f. Enjoining Defendant, and anyone acting in concert with Defendant, from accessing or interfering with any of the Company's confidential or proprietary information or the Company's IT systems and infrastructure.

BEING ALLEGED

SUFFICIENT CAUSE ~~HAVING BEEN SHOWN~~; IT IS ORDERED that, pending the Court's ruling on this application for preliminary injunction, Defendant and all persons acting in concert with him shall be temporarily restrained from:

- a. Disputing or contesting the managerial authority of the Company's current Board of Managers or their designees;
- b. Representing that Defendant has managerial authority with respect to the Company;
- c. Purporting to conduct business on behalf of the Company;
- d. Purporting to provide instructions, directions, or orders on behalf of the Company to any of its service providers, counterparties, consultants, advisors, or legal counsel;

TRO	
GRANTED	X JSC in part
DENIED	JSC

Plaintiff has established, for purposes of the limited TRO being issued, that it has a likelihood of success on the merits, it will suffer irreparable harm without a TRO, and the balance of equities is in its favor.

- e. Accessing, using, or moving any money or assets belonging to the Company; **and or preventing the Company's purported Chairman, Barry Saxe, from using funds to pay the Company's expenses and obligations; and**
- f. Accessing or interfering with any of the Company's confidential or proprietary information or the Company's IT systems and infrastructure.

IT IS FURTHER ORDERED that service of a copy of this Order to Show Cause and the papers upon which it is granted (collectively, the "OTSC Service Papers") be made upon Defendant in the manners set forth below, with Plaintiff completing such service on or before the 17th day of April, 2024, and such shall be deemed sufficient and proper service:

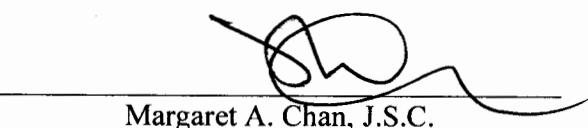
- a. Plaintiff shall mail a hard copy of the OTSC Service Papers to Defendant's attention care of the Radisson Hotel Dubai DAMAC Hills, Hessa Street, Dubailand, Dubai, United Arab Emirates;
- b. Plaintiff shall deliver an electronic copy of the OTSC Service Papers to the following email addresses associated with Defendant: dtaller@liberteglobalinv.com, dtaller@shealthcapital.com, dtaller@vbiobanc.com, and drtaller@gmail.com; and
- c. Plaintiff shall deliver a copy of the OTSC Service Papers by mail and email to Defendant's attention care of the following attorneys who have represented him and/or have been in contact with him in connection with matters relating to the Company:

- i. Matthew J. Walters
Walters & Walters
20 Vesey Street, Suite 700
New York, NY 10007
mjw@walters-legal.com

- ii. Robert A. Scher
Foley & Lardner LLP
90 Park Avenue
New York, NY 10016
rscher@foley.com
- iii. Randy Zelin
Randy Scott Zelin P.C.
641 Lexington Avenue, 29th Floor
New York, NY 10022
rsz@rszpc.com
- iv. John W. Brewer
Amini LLC
131 West 35th Street, 12th Floor
New York, NY 10001
jbrewer@aminillc.com
- v. Paul W. Ryan
Walden Macht & Haran LLP
250 Vesey Street, 27th Floor
New York, NY 10281
pryan@wmhllaw.com
- vi. Ievgeniia P. Vatrenko, Esq.
2 Northside Piers
Brooklyn, NY 11249
jenny@vatrenkoesq.com

IT IS FUIRTH ORDERED that any papers in opposition to this Order to Show Cause shall be served by electronic delivery upon Plaintiff's counsel, Aaron T. Morris (aaron@moka.law) and Andrew W. Robertson (andrew@moka.law), and filed with this Court by no later than the 10th day of May, 2024. **and it is further**

Dated: APRIL 16, 2024 ENTER:



Margaret A. Chan, J.S.C.

ORDERED that any reply shall be served by electronic delivery upon defendant's counsel and via NYSCEF on May 17, 2024. 4