

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,



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Andrew W. Robertson  
MORRIS KANDINOV LLP  
305 Broadway, 7th Floor  
New York, NY 10007  
Tel. (332) 282-6639  
andrew@moka.law

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.

Index No. 651706/2024

**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 by Submission Only, with a hearing to be scheduled if necessary 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 in JSC part
DENIED	JSC

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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@sthealthcapital.com, dtaller@vbiobanc.com, and dtaller@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@wmhlaw.com
- vi. Ievgeniia P. Vatroenko, Esq.  
2 Northside Piers  
Brooklyn, NY 11249  
jenny@vatrenkoesq.com

IT IS FURTHER 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.**

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