

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

NAP IV LLC, d/b/a STS MCM,

Plaintiff,

- against -

QUBE USA LLC, GEORGE VLAMIS and QUINE LIDDELL,

Defendants.

INDEX NO.

**AFFIRMATION OF
JAMES K. LANDAU**

STATE OF NEW YORK)
)
) ss.:
COUNTY OF WESTCHESTER)

JAMES K. LANDAU, an attorney admitted to practice before the Courts of the State of New York, hereby affirms the following pursuant to CPLR § 2106 and penalties of perjury.

1. I am a member of Lachtman Cohen & Belowich LLP, counsel for plaintiff NAP IV LLC, d/b/a STS MCM (“NAP IV”), and as such, am fully familiar with the facts and circumstances described herein. I make this affirmation in support of NAP IV’s motion for an order: (i) pending the hearing and determination of this motion, enjoining Defendants Qube USA LLC (“Qube”), George Vlamis (“Vlamis”) and Quine Liddell (“Liddell”, and collectively with Qube and Liddell, the “Qube Defendants”) from opening a dispensary in the building located at 1412 Broadway, New York, New York (the “Location”); (ii) pending the determination of this action, enjoining the Qube Defendants, from opening a dispensary in the Location; and (iii) awarding NAP IV such other and further relief as this Court deems appropriate under the circumstances.

2. In accordance with 22 NYCRR § 202.7(f), written notice of the submission of this Order to Show Cause (“OSC”), and request for a temporary restraining order was sent, on April 12, 2024, by email transmission, to Qube Defendants’ counsel. A copy of this notice is annexed hereto as Exhibit A.

3. The relief requested herein is needed to preserve the status quo as Plaintiff has been advised that QUBE has entered a lease with the landlord for the location at 1412 Broadway, New York, New York (the “Location”). Upon information and belief, any such lease will contain a provision that it is only effective if QUBE completes all requirements necessary for a fully operational adult use cannabis license.

4. The final stage of a retail adult use cannabis license issued by New York’s Office of Cannabis Management (“OCM”), such as the Conditional Adult Use Retail Dispensary (“CAURD”) license, is an operator being given possession of its approved location so that it can build out its retail space in accordance within OCM guidelines. The issuance of the provisional license triggers the operator’s right to take possession and start the buildout process and then seek final approval to open for business.

5. It is Plaintiff’s contention, supported by the accompanying affidavit of Vadim Korytny, sworn to on April 12, 2024 (the “Korytny Affidavit”), and exhibits, that QUBE has breached the parties’ non-disclosure agreement (the “NDA”) by misappropriating the Location from Plaintiff and going ahead and opening a dispensary there without the written consent by Plaintiff as otherwise agreed. Plaintiff has been kept in the dark by QUBE as to the company’s progress towards opening a dispensary at the Location and accordingly, Plaintiff is left to assume that such a dispensary could be opening any day now.

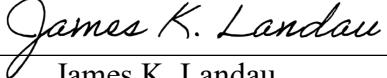
6. An open dispensary controlled by QUBE, who will then have completed all requirements for its CAURD license will, under these circumstances, trigger the finality of the lease and result in Plaintiff's loss of control of the Location, unique real property, causing it irreparable harm.

7. A balancing of the equities weighs heavily in Plaintiff's favor so that the status quo can be maintained until this motion can be heard and determined by this Court.

8. No prior motion for the relief sought herein has been made.

9. Accordingly, it is respectfully requested that NAP IV's motion be granted in all respects.

Dated: White Plains, NY
April 12, 2024



James K. Landau

CERTIFICATE OF COMPLIANCE

I hereby certify pursuant to NYCRR § 202.70(g), Rule 17 that the foregoing affirmation was prepared on a computer using Microsoft Office 365.

Type. A proportionally spaced typeface was used, as follows:

Name of typeface: Times New Roman

Point size: 12

Line spacing: Double

Word Count. The total number of words in this affirmation, exclusive of the caption, signature block and pages containing the proof of service or certification of compliance, is 575 words.

Dated: White Plains, New York
April 12, 2024



James K. Landau