

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

PRESENT: HON. ORIN R. KITZES
Justice

PART 17

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**JOANNA (a/k/a NANA) LOISELLE, individually,
and derivatively on behalf of KALAMAKI
TAVERNA, INC., as a Holder of Fifty-Percent of
Outstanding Shares of the said Domestic Corporation,**

Plaintiff,

-against-

**Index No.: 2778/06
Motion Date: 1/30/08
Motion Cal. No. 35**

ARISTOTELIS (a/k/a TELLY) VAGIANDERIS,

Defendant.

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The following papers numbered 1 to 7 read on this application by plaintiff for an order pursuant to CPLR 3025 granting plaintiff leave to amend the verified complaint and amend the caption.

	<u>PAPERS NUMBERED</u>
Order To Show Cause-Affidavits-Exhibits.....	1 - 3
Affidavit of Service.....	4
Affirmation in Opposition-Exhibits.....	5 - 6
Affidavit of Service.....	7

Upon the foregoing papers, the branch of this application by plaintiff for an order pursuant to CPLR 3025 granting plaintiff leave to amend the Verified Complaint is granted. The branch of this application seeking leave to amend the caption to reflect the substitution of IOANNIS (a/k/a John) VAGIANDERIS, as a party defendant in this action, in place and stead of deceased defendant **ARISTOTELIS VAGIANDERIS**, is granted. The death of Aristotelis Vagianderis, a former shareholder of Kalamaki, on March 9, 2006, was after the commencement of this dissolution action. Accordingly, the amendments are necessary to allow plaintiff the opportunity to enforce a provision in the shareholder's agreement which only become effective upon death of

AristotelisVagianderis, a shareholder. Finally defendant has not shown any prejudice if these amendments are allowed.

ORDERED that the title of the action shall be:

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

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**JOANNA (a/k/a NANA) LOISELLE, individually,
and derivatively on behalf of KALAMAKI
TAVERNA, INC., as a Holder of Fifty-Percent of
Outstanding Shares of the said Domestic Corporation,**

Plaintiffs,

-against-

Index No.: 277806

**IOANNIS (a/k/a JOHN) LOISELLE, as the Executor
of the ESTATE OF ARISTOTELIS (a/k/a TELLY)
VAGIANDERIS,**

Defendant.

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; and it is further

ORDERED that a copy of this Order with Notice of Entry be served on all parties to the actions, and the Clerk of Queens County, who is directed to amend the caption upon receipt of service.

Dated: February 1, 2008

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ORIN R. KITZES, J.S.C.