

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

JEFFREY K. OING
J.S.C.

PRESENT: _____
Justice

PART 48

652545/2017

Jeremy Casilli

-v-

Shaul Natan

INDEX NO. _____

MOTION DATE _____

MOTION SEQ. NO. 001

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ No(s). _____

Answering Affidavits — Exhibits _____ No(s). _____

Replying Affidavits _____ No(s). _____

Upon the foregoing papers, it is ordered that this motion is

Mtn is decided in accordance w/
the accompanying memorandum
decision/order of this court.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

Dated: 6/9/17

[Signature]
JEFFREY K. OING, J.S.C.

- 1. CHECK ONE: ... CASE DISPOSED ... NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: ... MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: ... SETTLE ORDER SUBMIT ORDER
DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: IAS PART 48

-----x
JEREMY CASILLI, JON FOSTER, DIANE
ROSENCRANTZ, DC YORK RESTAURANT, LLC,
MICHAEL MORRIS,

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Mtn Seq. No. 001

Plaintiff,

DECISION AND ORDER

SHAUL NATAN AND NADOV COHEN,
Defendants.

-----x
JEFFREY K. OING, J.:

Plaintiffs' motion for a preliminary injunction is granted for the reasons set forth in the June 8, 2017 record, which is incorporated herein for all purposes. Specifically, § 3.1(g) of the parties' August 2011 operating agreement (the "2011 OA") provides that the three managing members (Casilli, Natan and Cohen) must be present to constitute a quorum to transact business. In the absence of a quorum, no transaction can occur. Here, defendants do not have the requisite quorum, and, as such, cannot presently remove plaintiff Casilli as president and director of operations. Accordingly, defendants are preliminarily enjoined from interfering with plaintiff Casilli's operation and conduct of the business as set forth in the 2011 OA. Plaintiffs shall post a \$500 bond on or before June 16, 2017 to secure this preliminary injunction.

Further, in an effort to settle this matter, this Court appointed Bruce N. Lederman, Esq. as the court-appointed mediator. Although substantial progress was made in the last

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twenty-four hours, the parties have not presently resolved their dispute. I encourage the parties and counsel to continue their efforts, and to engage Mr. Lederman's assistance in those efforts. Having said, with respect to Mr. Lederman's present fee, I direct that he forward his invoice to the parties' counsel, and that upon receipt of his invoice payment shall be made on or before June 16, 2017. Plaintiff Casilli, defendant Natan, and defendant Cohen shall each bear one third as their share of Mr. Lederman's fee. In the event the parties continue Mr. Lederman's services as the court-appointed mediator, this fee sharing structure will be utilized for his fee. Payment shall be made within five (5) days of receipt of the invoice.

Accordingly, it is

ORDERED that plaintiffs' motion for a preliminary injunction is granted, and defendants are preliminarily enjoined from interfering with plaintiff Casilli's operation and conduct of the business as set forth in the 2011 OA; and it is further

ORDERED that plaintiffs shall post a \$500 bond on or before June 16, 2017 to secure this preliminary injunction.

This memorandum opinion constitutes the decision and order of the Court.

Dated: 6/9/17



HON. JEFFREY K. OING, J.S.C.