

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX, PART 12

Gary Sapirstein

Index No. 21372/19

-against-

Hon. ROBERT T. JOHNSON

Ronald Stechler

Justice Supreme Court  
JAMES W. HUBERT, J.S.C.

The following papers numbered 1 to \_\_\_\_\_ were read on this motion ( Seq. No. 005 )  
for/to \_\_\_\_\_ noticed on \_\_\_\_\_.

Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	No(s).
Answering Affidavit and Exhibits	No(s).
Replying Affidavit and Exhibits	No(s).

Upon the foregoing papers, it is ordered that this motion is *granted to the extent that the defendant shall appear before the Court in 1A5 12, room 414 at the Courthouse located at 851 Grand Concourse on August 5, 2019 at 9:30 in the forenoon of that day to be heard on the motion of the Plaintiff as set forth and annexed hereto*

Motion is Respectfully Referred to Justice:

Dated:

Dated: JUNE 18, 2019

Hon. James W. Hubert

JAMES W. HUBERT, J.S.C. ~~ROBERT T. JOHNSON~~

J.S.C.

- 1. CHECK ONE.....  CASE DISPOSED IN ITS ENTIRETY  CASE STILL ACTIVE
- 2. MOTION IS.....  GRANTED  DENIED  GRANTED IN PART  OTHER
- 3. CHECK IF APPROPRIATE.....  SETTLE ORDER  SUBMIT ORDER  SCHEDULE APPEARANCE  
 FIDUCIARY APPOINTMENT  REFEREE APPOINTMENT

At an IAS Part \_\_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Bronx, at the Courthouse, 851 Grand Concourse, Bronx, New York 10451, on the \_\_\_\_\_, day of \_\_\_\_\_, 2019

PRESENT: Hon. \_\_\_\_\_  
Justice

-----X  
INDEX NO. 21372/2019E  
CAL. NO.

In the Matter of The Application of:

Gary Sapirstein, Holder of 25% of All Outstanding Shares Entitled To Vote In An Election of the Directors, Petitioner, For The Dissolution of Corner Furniture Discount Center, Inc., 2901 Furniture Outlet, Inc., 2926 Realty Corp. and Rongar Realty of N.Y, Domestic Corporation jointly referred to as the "PCC", And Against:

**ORDER TO SHOW CAUSE**  
**[PROPOSED]**

Ronald Stechler and Eric Stechler as Remaining Shareholders, Officers and Directors of Corner Furniture Discount Center, Inc., 2901 Furniture Outlet, Inc., 2926 Realty Corp. and Rongar Realty of N.Y., Domestic Corporations jointly referred to as the PCC,

Respondents.

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Based upon the supporting pleadings in connection with, and support of, this Order to Show Cause, including the Verified Petition, filed with this Court on February 1, 2019 and placed in the Court file as Docket #1 (attached hereto as Exhibit A), the Declaration of Gary Sapirstein, hereinafter "petitioner", duly sworn on the 31<sup>st</sup> day of January, 2019, filed with this Court on February 1, 2019 and placed in the Court filed as Docket #2 (attached hereto as Exhibit B), the

Request for Judicial Intervention, filed with this Court on February 7, 2019 and placed in the Court file as Docket #4 (attached hereto as Exhibit C), the Request for Judicial Intervention Addendum, filed with this Court on February 7, 2019 and placed in the Court file as Docket #5 (attached hereto as Exhibit D), and the Affirmation of Maxim H. Waldbaum in Support of Order to Show Cause, filed with this Court on April 1, 2019 and placed in the Court file as Docket #10 (attached hereto as Exhibit E), whereby it appears that the petitioner is the owner of 25% of the outstanding and issued shares of Corner Furniture Discount Center, Inc., 2901 Furniture Outlet, Inc., 2926 Realty Corp. and Rongar Realty of N.Y, Domestic Corporation jointly referred to as the “PCC” and/or “Corporations, all corporations collectively organized and existing in the State of New York by virtue of the Laws of the Sate of New York, and that said Corporations unlawfully terminated petitioner on August 9, 2018 and removed him from all management functions of the PPC and its activities, and that there was prior internal dissension and division between the petitioner (the minority) and majority shareholders of the Corporations prior to its unwarranted actions on August 9, 2018, and it further appearing that the PPC is acting in a manner detrimental to the petitioner by depriving him the value of his 25% shareholder interest in the PPC upon his unlawful termination; and it further appearing that it would be beneficial to the interest of the shareholders that the PPC be dissolved and its property placed in the custody of the Court, subject to the order of the Court and upon reading and filing the proof of service of notice of this application upon Ronald Stechler and Eric Stechler, the remaining shareholders, it is;

ORDERED that the PPC, and all persons interested in said Corporation or their attorney show cause before a Term, Part \_\_\_\_\_, of this Court, at the Courthouse located at 851 Grand Concourse, Bronx, New York 10451, in Room \_\_\_\_\_, on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019, at \_\_\_\_\_ o’clock in the forenoon/afternoon of that day or as soon thereafter as counsel can be heard, why said Corporations should not be dissolved pursuant to the rules and practice of this Court, and it is further

ORDERED, that the PPC, its officers and directors furnish the Court with s schedule of the accounts of said Corporations, together with a statement of the combined corporate assets and

liabilities, and the name and address of each shareholder and each creditor and claimant, including any with whom the Corporations have unfulfilled contracts.

SUFFICIENT REASON APPEARING THEREFORE, let personal service of a copy of this Order to Show Cause, together with a copy of the papers upon which it was granted, upon the State Tax Commission, the PPC and all others entitled to notice under BCL 1106 on or before the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019, be deemed good and sufficient service.

ENTER

\_\_\_\_\_  
Justice of the Supreme Court