

Nassau County
Maureen OConnell
County Clerk
Mineola, NY 11501



Ref ID#: IN 12--008679

Instrument Number: 2017- 00013848

As

C40 - JUDGMENT - LIBER & PAGE

Recorded On: January 19, 2017
Parties: PFT TECHNOLOGY LLC
TO ROBERT WIESER

Num Of Pages: 4

Recorded By: COURT

Comment:

**** Examined and Charged as Follows: ****

C40 - JUDGMENT - LIBER & PAGE 0.00
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Maureen O'Connell

County Clerk Maureen O'Connell

ORIGINAL

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X		
PFT TECHNOLOGY LLC,	:	Index No. 8679/12
	:	
Plaintiff/Counterclaim-Defendant,	:	Hon. Stephen A. Bucaria
	:	
-against-	:	
	:	
ROBERT WIESER,	:	PROPOSED JUDGMENT
	:	
Defendant/Counterclaim-Plaintiff,	:	
	:	
-and-	:	
	:	
PATRICK KEELAN, THOMAS SMITH,	:	
and FRANK CASTELLANO,	:	
	:	
Counterclaim-Defendants.	:	
	:	
-----X		

The issues in the above-entitled action having duly come on to be heard before Justice Stephen A. Bucaria, without a jury, at Part 1 of this Court on the 13th, 14th, 27th, 28th, and 29th of September 2016, and the issues having been duly tried on those dates and the Plaintiff/Counterclaim-Defendants having duly appeared by William D. Wallach, Esq., and the Defendant/Counterclaim-Plaintiff having duly appeared by Christopher Karagheuzoff, Esq. and Daniel Goldberger, Esq., and the proofs of all parties having been adduced and their respective counsel having been duly heard, and the Court, after due deliberation, on the 24th day of November 2016 having issued its Decision After Trial (electronically filed on NYSCEF, Docket No. 234, on December 29, 2016), having made a final decision in writing taking into consideration all of the parties' various claims against each other and directing the entry of Judgment in the sum of \$1,250,000, together with prejudgment interest at the rate of 5% from July 10, 2012 to the date of payment, to Defendant Robert Wieser, it is

ORDERED, ADJUDGED, and DECREED that Defendant Robert Wieser recover from the Plaintiff/Counterclaim-Defendants the sum of \$1,250,000, representing the value of his 25% ownership interest in PFT Technology LLC, together with prejudgment interest in the amount of \$308,908.61 (calculated as follows: July 10, 2012 – December 31, 2012: \$29,713.11; January 1, 2013 – December 31, 2013: \$63,985.66; January 1, 2014 – December 31, 2014: \$67,184.94; January 1, 2015 – December 31, 2015: \$70,544.19; January 1, 2016 – December 31, 2016: \$74,071.40; January 1, 2017 – January 16, 2017: \$3,409.31), for a total judgment in the amount of \$1,558,908.61 through and including January 16, 2017;

ORDERED, ADJUDGED, and DECREED the Nassau County Clerk shall release to the Defendant within three business days of receipt of this Judgment the funds deposited with it by the Plaintiff/Counterclaim-Defendants pursuant to the March 9, 2016 Order Pursuant to CPLR 2601, and said amount shall be a credit in favor of the Plaintiff/Counterclaim-Defendants against the monies owed to the Defendant pursuant to this Judgment. Such payment, if issued in the form of a check, shall be made payable to Dorsey & Whitney Trust Account, with the number 491821-2 affixed in the memo line, and shall be mailed to Dorsey & Whitney LLP, Attn: Christopher G. Karagheuzoff, Esq., 51 West 52nd Street, New York, New York 10177. If such payment is to be made by wire, payment instructions shall be promptly furnished by counsel to Defendant Robert Wieser;

ORDERED, ADJUDGED, and DECREED that upon Defendant Robert Wieser's receipt of the funds deposited with the Nassau County Clerk, the Marshal shall, within three business days of his receipt of this Judgment and proof of payment by the Nassau County Clerk, release to the Defendant from the previously attached and levied monies from UBS and/or Merrill Lynch in his possession, the remainder of the judgment owed. Payment by the Marshal, if issued in the

form of a check, shall be made payable to Dorsey & Whitney Trust Account, with the number 491821-2 affixed in the memo line, and shall be mailed to Dorsey & Whitney LLP, Attn: Christopher G. Karagheuzoff, Esq., 51 West 52nd Street, New York, New York 10177. If such payment is to be made by wire, payment instructions shall be promptly furnished by counsel to Defendant Robert Wieser;

ORDERED, ADJUDGED AND DECREED that, upon payment of the aforementioned judgment in the amount of \$1,558,908.61, plus (1) any additional pre-judgment interest at the rate of 5% per annum, or \$213.82 per day, accruing after January 16, 2017, until such time as this Judgment is entered, and (2) any additional post-judgment interest, accruing at the statutory rate of 9% per annum, or \$384.39 per day, on the latter of the date of entry of this Judgment or January 17, 2017, the judgment shall be deemed satisfied in full;

ORDERED, ADJUDGED AND DECREED that, upon satisfaction of the judgment in full, all prior orders of the Court as they pertain to attachment are dissolved and vacated, including but not limited to the April 4, 2016 Order of Attachment and the May 25, 2016 Order Vacating Prior Attachment and Levy, except to the extent that these or other prior Orders provide that any fees taken by the Nassau County Clerk or the Marshal in connection with their receipt of any funds in this litigation shall be borne by the Plaintiff/Counterclaim-Defendants (who are, as previously ordered, responsible for these fees); and

ORDERED, ADJUDGED, and DECREED a filed copy of this Judgment shall be served upon all necessary parties and entities within one business day of entry by the Court.

Judgment signed this 11 day of January 2017.

RECEIVED
JAN 11 2017
CLERK OF
NASSAU COUNTY

Stephen A. Bucari
J. S. C.
ENTERED
JAN 17 2017