

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

BERNICE L. HARRIS and ALLISON HARRIS  
SCHIFINI, individually and derivatively on behalf of  
TJ MONTANA ENTERPRISES, LLC,

Plaintiffs,

-against-

BETSY HARRIS a/k/a BETSY SAVAGE,  
TAMARA HARRIS, individually and as Preliminary  
Executor of the Estate of Steven Harris, Deceased,  
ANDREW LICHTENSTEIN, and TJ MONTANA  
ENTERPRISES, LLC,

Defendants.

Index No. 656962/2017

Assigned Justice:  
Hon. Nancy M. Bannon

Motion Sequence No. 1

**NOTICE OF CROSS-MOTION**

**PLEASE TAKE NOTICE**, that upon the accompanying Affidavit of Betsy Harris, sworn to August 24, 2018, the exhibits annexed thereto, the accompanying Memorandum of Law dated August 27, 2018, and upon all the pleadings and prior proceedings had herein, defendant Betsy Harris will move this Court, at the courthouse located at 60 Centre Street, New York, New York, in the Motion Submissions Part (Room 130), on September 5, 2018, at 9:30 a.m. or as soon thereafter as counsel can be heard, for an order:

- (i) pursuant to CPLR 3213, granting summary judgment in favor of Defendants on their first counterclaim for a declaratory judgment;
- (ii) pursuant to CPLR 3211[a][3] and CPLR3211[a][7], dismissing the complaint of plaintiffs Bernice Harris and Allison Harris Schifini;
- (iii) pursuant to 22 NYCRR 130-1.1, imposing sanctions against Plaintiffs' counsel, Jules A. Epstein, Esq., and awarding Defendants/Counterclaim-Plaintiffs their costs and expenses (including reasonable attorneys' fees) incurred in connection with this cross-motion;

and granting to Defendants such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, only in the event the within motion and/or cross-motion is adjourned, then, pursuant to CPLR 2214 [b], any and all answering and/or reply papers must be served not less than seven days before the return date of this motion.

Dated: New York, New York  
August 27, 2018

SCHWARTZ SLADKUS REICH  
GREENBERG ATLAS LLP  
*Attorneys for Defendant Betsy Harris*

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To: Counsel of Record (*by NYSCEF*)