

**EXHIBIT B -  
ORDER AND RESERVE DECISION OF THE HONORABLE MATTHEW A.  
ROSENBAUM, DATED MARCH 18, 2016 AND FEBRUARY 26, 2016,  
APPEALED FROM, WITH NOTICE OF ENTRY [61-76]**

STATE OF NEW YORK  
SUPREME COURT      COUNTY OF MONROE

WILLIAM HOWARD, suing in the right of ARCHER RD.  
VISTA LLC, WILLIAM HOWARD, individually, and  
WESTSIDE DEVELOPMENT OF ROCHESTER,  
INC.,

**ORDER**

Plaintiffs,

vs.

GARY L. POOLER,

Index No. 13-8187

Defendant.

Plaintiffs, William Howard, suing individually and in the right of Archer Rd. Vista LLC, and Westside Development of Rochester, Inc. (collectively "Plaintiffs"), having moved (the "Motion") for an Order, pursuant to CPLR 3212, granting Plaintiffs partial summary judgment against defendant Gary L. Pooler ("Defendant") as to liability on Counts I, VI, and VIII of the Complaint, as well as such other and further relief as the Court deems just and proper; and

The Court having read and considered: (1) Plaintiffs' Notice of Motion, dated July 28, 2015; (2) the Attorney Affirmation of Joseph S. Nacca in Support of Plaintiffs' Motion for Partial Summary Judgment, dated July 28, 2015, with exhibits; and (3) the Affidavit of William Howard in Support of Plaintiffs' Motion for Partial Summary Judgment, sworn to on July 28, 2015, with exhibits; and

The Court having read and considered: (1) the Attorney Affirmation of Vivek Thiagarajan in Opposition, dated August 24, 2015, with exhibits; (2) the Affidavit of Gary

Pooler, sworn to on August 24, 2015, with exhibits; and (3) the Affidavit of Brian Sauters, sworn to on August 24, 2015; and

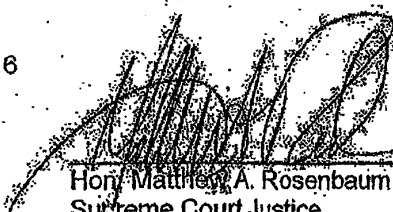
The Court having read and considered the Reply Attorney Affirmation of Joseph S. Nacca in Support of Plaintiffs' Motion for Partial Summary Judgment, dated August 26, 2015, with exhibits; and

The Court, on August 27, 2015, having heard from Joseph S. Nacca of Bond, Schoeneck & King, PLLC in support of the Motion, and Vivek J. Thiagarajan of Morgenstern DeVoeseck PLLC in opposition to the Motion, it is hereby

**ORDERED** that, pursuant to the Court's Decision dated February 26, 2016 (the "Decision"), a copy of which is annexed hereto and incorporated by reference herein:

1. Plaintiffs' Motion for summary judgment against Pooler on Count I of the Complaint is granted in its entirety as to liability;
2. Plaintiffs' Motion for summary judgment against Pooler on Count VII of the Complaint is granted in part and denied in part as to liability, as set forth more fully in the Decision;
3. Plaintiffs' Motion for summary judgment against Pooler on Count VIII of the Complaint is granted in its entirety as to liability; and
4. Defendant shall provide to Plaintiffs a full accounting, as set forth in the Decision, on or before June 10, 2016.

DATED: 8/13 2016

  
 Hon. Matthew A. Rosenbaum  
 Supreme Court Justice

ENTER: