

the Commercial Division
At ~~I.A.S. Part~~ of the Supreme Court of the State of New York, in and for the County of Westchester, at the Courthouse located at 111 Dr. Martin Luther King Jr. Blvd., White Plains, New York on March 4, 2021.

PRESENT: HON. HON. GRETCHEN WALSH
J.S.C.

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

-----X	
WILLIAM M. COSTELLO, individually and as a	:
member of and suing in the right of	:
CURIS PARTNERS LLC,	:
	:
Plaintiff,	:
	:
-against-	:
	:
RONALD M. MOLLOY,	:
and CURIS PARTNERS LLC,	:
	:
Defendants.	:
-----X	

Index No.
51797/2021

ORDER TO SHOW CAUSE

UPON the attached Affidavit of Plaintiff William M. Costello (the "Plaintiff"), sworn to on February 12, 2021, the Affirmation of Clyde Mitchell, Esq., sworn to on February 15, 2021, the Summons and Verified Complaint and the exhibits attached thereto, and upon all papers and proceedings heretofore had herein, with no prior application having been made for the relief herein requested or for any similar relief,

LET Defendants Ronald M. Molloy ("Molloy") and Curis Partners LLC ("Curis LLC") (collectively the "Defendants"), show cause before the Justice of the Supreme Court of the State of New York, Westchester County, at ~~I.A.S. Part~~ *the Commercial Division* thereof, located at Room 105, *(via Teams)* at the Courthouse located at 111 Dr. Martin Luther King Jr. Blvd, White Plains, New York 10601,

on April 9, 2021 at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard,

WHY an Order should not be made:

- (1) restoring Plaintiff to his position as a fully vested 25.1% member;
- (2) directing Defendants to fully restore any voting and other rights associated with Plaintiff's interest as a member;
- (3) directing Defendants to grant and facilitate Plaintiff's access to Curis LLC's books and records;
- (4) prohibiting Defendants from taking any actions or amending the Operating Agreement in any way that diminishes, marginalizes, reduces or otherwise affects Plaintiff's rights or interest in Curis LLC;
- (5) directing Curis LLC to continue to make distributions to Plaintiff as required by Curis LLC's Operating Agreement; and
- (6) directing Curis LLC to maintain Plaintiff on Curis LLC's healthcare plan.

GOOD CAUSE HAVING BEEN ALLEGED,

PENDING THE HEARING of this Order to Show Cause, a temporary restraining

order is **Ordered** enjoining Defendants from:

- (1) passing any amendment or other resolution that diminishes or otherwise adversely affects Plaintiff's rights or interest in Curis LLC;
- (2) ~~from terminating Plaintiff from the company healthcare plan; and~~
- (3) ~~such other and further relief as this Court may deem just, proper and equitable.~~

Ordered that all answering or responsive papers be e-filed no later than 4 p.m.

April 8, 2021

~~SUFFICIENT CAUSE BEING ALLEGED THEREFORE, let service of this~~

~~Order to Show Cause and the Summons and Complaint, by service pursuant to the provisions of
CPLR § 308 on or before _____, 2021 on Defendants be deemed good and
sufficient service.~~

Defendants
cause I
accepted
service of
the OTSC
and the
underlying
papers at
the conference
held on 3/4/21.

ENTERED:



J.S.C.

HON. GRETCHEN WALSH
JUSTICE SUPREME COURT