

**NEW YORK STATE SUPREME COURT
COUNTY OF NEW YORK: PART 57**

PRIME 135 NYC, LLC,

Plaintiff,

v.

MAJOR CONSTRUCTION CO., INC., and
JOSEPH MENDLER,*Defendant.*

Index No.: 651966/2017

Hon. Shawn T. Kelley

MSQ No.: 005

NOTICE OF MOTIONORAL ARGUMENT REQUESTED
PURSUANT TO 22 NYCRR § 202.8-f

PLEASE TAKE NOTICE that upon the affirmation of Zachary G. Meyer, Esq. dated August 3rd, 2021 and the exhibits annexed thereto, and upon all prior papers and proceedings heretofore, counsel for the undersigned plaintiff will cross-move this Court in the Motion Submissions Part of New York State Supreme Court, in and for the County of New York, in Room 130, of the Courthouse thereof located at 60 Centre Street, New York, NY 10007 on August 13th, 2021 at 9:30 in the ‘forenoon, or as soon thereafter as counsel for plaintiff may be heard for an Order, pursuant to CPLR § § 1003, for leave to add non-party JOSEPH MENDLER (“Mendler”) as party to this action, pursuant to CPLR § 103(c) New York Business Corporation Law (“BCL”) Art. 10, converting the instant action into a special proceeding for this Court’s supervision of defendant MAJOR CONSTRUCTION CO., INC.’s dissolution and liquidation, pursuant to pursuant to CPLR § 305(c), for leave to serve a supplemental summons, pursuant to CPLR § 3025(b), for leave to serve a proposed second amended verified complaint, as well as for such other and further relief as this Court deems just and proper. The grounds upon which the foregoing relief is sought are respectfully set forth in detail in the accompanying affirmation dated August 3rd, 2021.

PLEASE TAKE FURTHER NOTICE that opposition papers shall be served in accordance with CPLR § 2214(b) two days prior to the return date hereof, whereas cross-motions shall be served in accordance with CPLR § 2215 three days prior to the return date hereof.

Dated: New York, New York
August 3rd, 2021**SUTTON SACHS MEYER PLLC**
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Defendant