

At the Supreme Court of the State of New York for the County of New York, Part 49 at the Courthouse at 60 Centre Street, New York, New York on February 8, 2022

P R E S E N T:

HON. MARGARET A. CHAN

JUSTICE

JA LEE KAO,

Plaintiff,

- v -

ONYX RENEWABLE PARTNERS L.P., ORP JOINT HOLDINGS GP LLC, BLACK ONYX INVESTMENTS, LLC, BILAL KHAN AND JONATHAN MAXWELL,

Defendants.

Index No.: 654411/2021

ORDER TO SHOW CAUSE

Motion Seq. No. 005

**ORAL ARGUMENT
REQUESTED**

Upon the Emergency Affirmation of Richard A. Hubell dated February 3, 2022, the affirmation of Richard A. Hubell dated February 3, 2022, in support thereof with the exhibits annexed thereto, the Affidavit of Ja Lee Kao, sworn to on February 3, 2022, and the accompanying Memorandum of Law dated February 3, 2022, all submitted herewith, it is hereby:

ORDERED that Defendant Onyx Renewable Partners L.P. show cause before Justice Margaret A. Chan, IAS Part 49, ^{via Microsoft Teams} ~~in Room~~ of the New York County Courthouse, 60 Centre Street, New York, New York, on the 1st day of ~~February~~ ^{March} 2022, at 10:30 a.m., or as soon thereafter as counsel can be heard, why an order should not be entered:

- (a) requiring Onyx to pay all legal fees and expenses of the Plaintiff in connection with this dispute that Plaintiff has already incurred (up to the date of the Court's order);

- (b) on a going forward basis, "advance" all fees and expenses to Plaintiff within ten business days of receiving demands and invoice summaries from counsel for the Plaintiff for such payments, for all expenses and legal fees that will be incurred by Plaintiff in the above-captioned action or other proceedings in which a dispute arises under the Employment Agreement, the Partnership Agreement or the MLP LLC Agreement (as such terms are defined in the Employment Agreement);
- (c) requiring Onyx to pay Plaintiff's legal fees and expenses in connection with this Order to Show Cause; and
- (d) granting such other and further relief to Plaintiff as the Court may deem appropriate.

IT IS FURTHER ORDERED that email service of a copy of this Order, together with the papers upon which it is granted, upon Defendants' counsel, on or before ~~February 10~~ February 9, 2022, be deemed good and sufficient service;

IT IS FURTHER ORDERED that any opposition papers are to be served, by email, on Plaintiff's counsel and on this Court on or before ~~February 10~~ February 25 2022; and

~~**IT IS FURTHER ORDERED** that any reply papers are to be served, by email, on Defendants' counsel and on this Court on or before _____ m. on February __, 2022.~~

ENTERED:



 J. S. C.

MARGARET A. CHAN
J.S.C.