

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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JONATHAN TROFFA,	:	Index No. 609510/2016
	:	
Petitioner/Plaintiff,	:	<b><u>NOTICE OF MOTION</u></b>
	:	
JOS. M. TROFFA LANDSCAPE AND MASON	:	Hon. Jerry Garguilo
SUPPLY, INC.,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
JOSEPH M. TROFFA,	:	
	:	
Respondent/Defendant,	:	
	:	
LAURA J. TROFFA, JOS. M. TROFFA	:	
MATERIALS CORPORATION, NIMT	:	
ENTERPRISES, LLC, L.J.T. DEVELOPMENT	:	
ENTERPRISES, INC., and JOS. M. TROFFA	:	
LANDSCAPE AND MASON SUPPLY, INC.,	:	
	:	
Defendants.	:	

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**PLEASE TAKE NOTICE**, that upon the Affidavit of Joseph M. Troffa, sworn to September 16, 2016, the exhibits thereto, the accompanying Memorandum of Law, and upon all of the pleadings and prior proceedings, Respondent/Defendants Joseph M. Troffa, Laura J. Troffa, Jos. M. Troffa Materials Corporation, NIMT Enterprises, LLC, L.J.T. Development Enterprises, Inc. and Jos. M. Troffa Landscape and Mason Supply, Inc., by their attorneys, Farrell Fritz, P.C., will move this Court before the Hon. Jerry Garguilo, Commercial Part 48, Supreme Court, Suffolk County, One Court Street, Riverhead, New York 11901, on October 5, 2016, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order: (i) striking the Verified Amended Complaint, sworn to August 16, 2016, pursuant to Business Corporation Law (“BCL”) § 1116; (ii) entering a judgment on Joseph Troffa’s consent for the relief demanded in

the First Cause of Action in the Verified Petition/Complaint, sworn to June 22, 2016, and dissolving Plaintiff Jos. M. Troffa Landscape and Mason Supply, Inc. (the "Corporation"), pursuant to BCL §§ 1104 and 1111; (iii) conditionally appointing a receiver to liquidate and wind up the Corporation's affairs, pursuant to BCL § 1113; and (iv) granting such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to CPLR 2214(b), answering papers, if any, shall be served so as to be received at least seven days prior to the return date of this motion.

Dated: September 16, 2016

FARRELL FRITZ, P.C.

By: /s/ *Peter A. Mahler*  
Peter A. Mahler  
Franklin C. McRoberts  
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TO: All Counsel of Record (By NYSECF)