

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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JONATHAN TROFFA,	:	Index No. 609510/2016
	:	
Petitioner/Plaintiff,	:	<u>NOTICE OF MOTION</u>
	:	
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. (together, "Defendants"), 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, pursuant to CPLR 3211 (a) (1), (3), (5) and (7): (i) dismissing all of the non-dissolution claims in the Verified Petition/Complaint sworn to June 22, 2016, and, if and only if the Court

deems it properly filed, in the purported Verified Amended Complaint sworn to August 16, 2016; and (ii) awarding such other and further relief as the 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
Attorneys for Respondent/Defendants
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TO: All Counsel of Record (By NYSECF)