

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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JONATHAN TROFFA,

Index No. 609510/2016
(Garguilo, J.)

Petitioner/Plaintiff,

JOS. M. TROFFA LANDSCAPE AND MASON SUPPLY, INC.,
Plaintiff,

**NOTICE OF
CROSS-MOTION**

-against-

Motion Seq. #003

JOSEPH M. TROFFA,

Respondent/Defendant,

**Oral Argument
Requested**

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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COUNSEL:

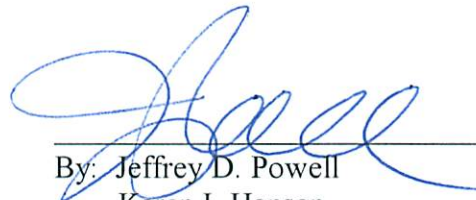
PLEASE TAKE NOTICE, that upon the Affirmation of Jeffrey D. Powell, duly affirmed on October 7, 2016, and respective exhibits annexed thereto, the Affidavit of Jonathan Troffa, duly sworn to the 12th day of October 2016, and the exhibit annexed thereto, the accompanying Memorandum of Law, and all pleadings and proceedings heretofore had herein, Petitioner/Plaintiff Jonathan Troffa, will cross-move before the Honorable Jerry Garguilo, on October 19, 2016, at 9:30 a.m., or as soon thereafter as counsel may be heard, at the Courthouse of the Supreme Court of the State of New York, One Court Street, Riverhead, New York 11901, for an order granting the application of Jonathan Troffa, as Petitioner, the following alternative relief: (1) to withdraw his claim for dissolution pursuant to N.Y. Business Corporation Law (“BCL”) § 1116 without prejudice; or (2) to convene a hearing pursuant to BLC § 1109 to adjudicate factual issues determinative of the dissolution and to deny dissolution; and/or (3) stay

the dissolution proceeding; and/or (4) order a plan distributing assets directly to the shareholders in lieu of dissolution. In addition, Plaintiff seeks an order compelling Defendants to Answer the Amended Complaint, and to the extent appropriate, amending the caption of the action pursuant to CPLR § 305(c), along with such other and further relief as the Court may deem just, proper and equitable.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR § 2214(b), answering affidavits, if any, are required to be served upon the undersigned at least seven (7) days before the return date of this motion if the final return date of the motion is more than sixteen days after the date hereof .

Dated: Islandia, New York
October 7, 2016

BRACKEN MARGOLIN BESUNDER LLP



By: Jeffrey D. Powell
Karen I. Hansen

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