

WRD/oa / CDIS / JUDGE GARGUILO

At Commercial Part 48, Supreme Court, State of New York, County of Suffolk, One Court Street, Riverhead, New York 11901, on February 21, 2017.

9/02/2017

PRESENT: Jerry Garguilo
J.S.C.

ORIGINAL

In the Matter of the Application of

JOSEPH M. TROFFA, as Sole Director and Holder of Shares Representing One-Half of the Votes of All Outstanding Shares of Jos. M. Troffa Landscape and Mason Supply, Inc.,

Petitioner,

For the Dissolution of JOS. M. TROFFA LANDSCAPE AND MASON SUPPLY, INC., a Domestic Corporation, Pursuant to Sections 1102 and 1104 (a)(3) of the Business Corporation Law,

- against -

JONATHAN TROFFA,


Respondent.

Index No. 1700902'
2-17-17


ORDER TO SHOW CAUSE

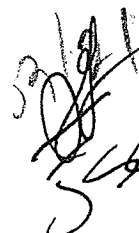
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Judith A. Pascale
Suffolk County Clerk

UPON the Verified Petition (the "Petition") of Joseph M. Troffa ("Petitioner"), the holder of shares representing one-half of the votes of all outstanding shares of Jos. M. Troffa Landscape and Mason Supply, Inc. (the "Corporation") entitled to vote in an election of directors, sworn to February 17, 2017, utilized herein as an affidavit pursuant to CPLR § 105 (u), the Affirmation of Peter A. Mahler, dated February 17, 2017, the exhibits thereto, the accompanying Memorandum of Law, and upon all of the pleadings and prior proceedings herein, and pursuant to this Court's Order filed January 12, 2017, in the matter captioned *Jonathan Troffa v Joseph M. Troffa*, Index No. 609510/2016 (Garguilo, J.),


LET THE RESPONDENT, Jonathan Troffa ("Respondent"), the State Tax Commission, and all other interested persons show cause before the Hon. Jerry Garguilo at Commercial Part 48, Supreme Court, State of New York, County of Suffolk, One Court Street, Riverhead, New York 11901, on March 29th, 2017, at 9:30 a.m., said date being not less than four weeks after the granting of this Order as required by Business Corporation Law ("BCL") § 1106 (a), or as soon thereafter as counsel may be heard, why an order should not be made and entered:

- (i) dissolving the Corporation pursuant to BCL §§ 1102 and 1104 (a)(3);
- (ii) appointing a receiver to liquidate and wind up the Corporation's affairs pursuant to BCL § 1113; and
- (iii) granting such other and further relief as the Court deems just, equitable and proper; and it is hereby further


ORDERED, that Petitioner shall publish a copy of this Order to Show Cause in the Three Village Times Herald, once a week in each of the three weeks before the time appointed for the hearing thereon, and that the Corporation shall pay the costs thereof; and it is hereby further


ORDERED, that pursuant to BCL § 1106, service upon the Corporation, Respondent, and the State Tax Commission of a copy of this Order to Show Cause, together with the papers upon which it is based, on or before March 21st, 2017, shall be deemed good and sufficient service thereof; and it is further

ORDERED, pursuant to Civil Practice Law and Rules ("CPLR") § 403 (b), that any answering or other papers in opposition to the petition shall be served so as to be received by Petitioner's attorney, Farrell Fritz, P.C., 622 Third Avenue, Suite 37200, New York, New York

10017, to the attention of Peter A. Mahler, Esq., at least seven days before the date and time set forth above for the hearing of the Petition; and it is further

ORDERED, pursuant to CPLR § 403 (b), that Petitioner's reply papers, if any, shall be served so as to be received by Respondent's attorney at least one day before the date and time set forth above for the hearing of the Petition.

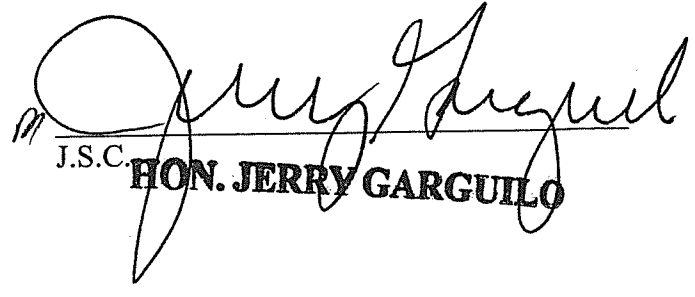
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JAP

GRANTED

FEB 21 2017

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

ENTER:


J.S.C. **HON. JERRY GARGUILO**