

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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JONATHAN TROFFA, individually and derivatively  
on behalf of JOS. M. TROFFA LANDSCAPE AND MASON  
SUPPLY, INC., and JOS. M. TROFFA LANDSCAPE AND  
MASON SUPPLY, INC.,

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

Plaintiffs,

-against-

**NOTICE OF MOTION  
TO AMEND COMPLAINT**

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.,

Motion Seq. #006

Defendants.

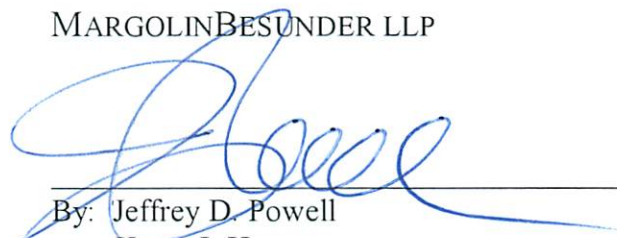
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**PLEASE TAKE NOTICE**, that upon the annexed Affirmation of Jeffrey D. Powell, dated June 26, 2017, the Exhibits annexed thereto, and the Memorandum of Law in support of the instant motion, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court at the Commercial Division Part of the Hon. Jerry Garguilo, J.S.C., at the Supreme Court of the State of New York, to be held in and for the County of Suffolk at the Courthouse located at One Court Street, Riverhead, New York 11901 on the 26<sup>th</sup> day of July, 2017, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an Order pursuant to CPLR §§ 3025(b) and/or 3211(e) granting Plaintiffs leave to serve and file and/or replead a Second Amended Verified Complaint in this action, along with such other and further relief as the Court may deem just and proper.

**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.

Dated: Islandia, New York  
June 26, 2017

MARGOLIN BESUNDER LLP



By: Jeffrey D. Powell  
Karen I. Hansen

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VIA NYSCEF TO:

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