

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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JONATHAN TROFFA and JOS. M. TROFFA	: Index No. 609510/2016
LANDSCAPE AND MASON SUPPLY, INC.,	:
	: Hon. Jerry Garguilo
Plaintiffs,	:
	: Motion Sequence No. 007
-against-	:
	: <u>NOTICE OF MOTION</u>
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.,	:
	:
Defendants.	:
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PLEASE TAKE NOTICE, that upon the Affirmation of Peter A. Mahler, dated August 13, 2018, the exhibits thereto, the accompanying Memorandum of Law, and upon all of the pleadings and prior proceedings, Defendants, by their attorneys, Farrell Fritz, P.C., will move this Court, before the Hon. Jerry Garguilo, Commercial Part 48, Courtroom S-33, 400 Carleton Avenue, Central Islip, New York 11722, on September 12, 2018, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order: (i) pursuant to CPLR § 2304, quashing the Subpoenas Duces Tecum served by Plaintiff Jonathan Troffa upon the Offices of Michael R. Strauss, Esq. (the “Strauss Firm”), Cohen, Warren, Meyer & Gitter, P.C. (the “Cohen Firm”), and Cullen & Danowski, LLP (the “Cullen Firm”), dated July 11 and 17, 2018 (together, the “Subpoenas”); (ii) pursuant to CPLR § 3103, issuing a protective order relieving the Strauss Firm, Cohen Firm, and Cullen Firm of any obligation to comply with the Subpoenas; and (iii) awarding such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the briefing schedule agreed to by the parties on July 30, 2018, answering papers and any notice of cross-motion, with supporting papers, if any, must be served no later than August 31, 2018.

Dated: August 13, 2018

FARRELL FRITZ, P.C.

By: /s/ *Peter A. Mahler*

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Attorneys for Defendants

TO: All Counsel of Record (By NYSCEF)