

At an IAS Part 48, of the Supreme Court of the State of New York, held in and for the County of Suffolk, at 400 Carleton Avenue, Central Islip, New York on the 8th day of May, 2019.

PRESENT:

HON. JERRY GARGUILO
J.S.C.

MOTION SEQUENCE # 008
ORIGINAL RET. DATE 5-22-19
RELIEF ELP

-----X
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-

**ORDER TO SHOW
CAUSE TO EXTEND
NOTICE OF PENDENCY**

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.

-----X
Upon the Summons and Verified Petition/Complaint and the Amended Complaint heretofore filed herein, the Notice of Pendency filed in the Office of the Clerk of the County of Suffolk on the 30th day of June, 2016, the annexed Affirmation of Jeffrey D. Powell, duly affirmed on the 6th day of May, 2019, with exhibits, the proposed Order extending Notice of Pendency, and upon all the papers and proceedings heretofore had herein,

Let the Defendants show cause at IAS Part 48 of this Court to be held at the courthouse thereof, located at 400 Carleton Avenue, Central Islip, New York 11722, on the 22nd day of May, 2019, at 9:30 o'clock in the forenoon of that day, or as

soon thereafter as counsel can be heard:

(1) Why an order should not be granted herein pursuant to CPLR § 6513

extending the duration of the aforesaid notice of pendency for a period of three (3) years;

(2) Why a temporary extension of the duration of the notice of pendency pending

the hearing and determination of this motion should not be granted, in the event that a decision is not rendered before June 30, 2019; and

(3) Why Plaintiffs should not have such other and further relief as the Court

deems just, proper, and equitable; and

SUFFICIENT CAUSE APPEARING THEREFOR, it is

ORDERED, that the aforesaid Notice of Pendency is hereby extended pending the hearing and final determination of this motion; and

IT IS FURTHER ORDERED, that service of a copy of this Order to Show Cause, and the papers upon which it is granted, upon the attorneys for the Defendants, by overnight delivery service, pursuant to CPLR 2103(b)(6) on or before the 15th day of May, 2019, be deemed good and sufficient service thereof.

[Handwritten signature]
JSC

ENTER:

[Handwritten signature of Jerry Garguilo]
Hon. Jerry Garguilo, J.S.C.
HON. JERRY GARGUILO

GRANTED

MAY 08 2019

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

MAY 08 2019