

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 Nos. 008 and 009
-against-	:
	: <u>NOTICE OF CROSS-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 Franklin C. McRoberts, dated June 5, 2019, the exhibits thereto, and upon all of the pleadings and prior proceedings, Defendants, by their attorneys, Farrell Fritz, P.C., will cross-move this Court, before the Hon. Jerry Garguilo, Commercial Part 48, Courtroom S-33, 400 Carleton Avenue, Central Islip, New York 11722, on June 19, 2019, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order: (i) pursuant to CPLR § 6514 (a), cancelling and vacating of record the Notice of Pendency attached to Plaintiffs’ moving papers as Exhibit “A”; (ii) pursuant to CPLR § 6514 (c) and 22 NYCRR § 130-1.1, awarding Defendants as a sanction recovery of their attorneys’ fees, costs, and disbursements in opposing Plaintiffs’ motion and making this cross-motion; and (iii) awarding such other and further relief as the Court deems just and proper.

Dated: June 5, 2019

FARRELL FRITZ, P.C.

By: /s/ *Franklin C. McRoberts*

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Attorneys for Defendants

TO: All Counsel of Record (By NYSCEF)