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At IAS Part ~~58~~ of the Supreme Court of the State of New York, County of New York, 60 Centre Street, New York, New York 10007 on the 27th day of ~~September 2021~~ January 2023.

PRESENT: Hon. Melissa A. Crane  
Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

JEAN-PASCAL SIMON,

Plaintiff,

v.

FRANCINVEST, S.A. and JJS Group, Inc.,

Nominal Defendants,

-and-

FRENCH-AMERICAN SURGERY CENTER, INC.,  
FRENCH AMERICAN CLINIC, INC.,  
JEAN-FRANCOIS SIMON, CHARLES RAAB, and  
GEORGE KESSLER

Defendants.

Index No. 162867/2014  
Crane, J.

**ORDER TO SHOW CAUSE**

**Motion Seq. No. 026**

Upon the annexed Supplementary Affirmation of Nancy J. Volin, Esq., attorney for Plaintiff, the exhibits annexed thereto, and upon Plaintiff's previously papers filed in Mot. Seq. 23, to wit: the Affirmation of Nancy J. Volin, dated August 2, 2021, the Affidavit of Jean-Pascal Simon, the accompanying Memorandum of Law, dated August 2, 2021, and all exhibits annexed thereto, the Reply Affirmation of Nancy J. Volin, and all exhibits annexed thereto, and all prior papers and proceedings heretofore had herein;

Let Defendants, Jean-Francois Simon, and his counsel, Mark Lebow, Esq., Lebow &

Sokolow, LLP, and Defendant George Kessler and his counsel William Siegel, Esq. show cause  
60 April 4, 2023  
before this Court, Part 52, located at 60 Center Street, New York, New York, on ~~September xxxxxx,~~  
\*\*REMOTELY BY MICROSOFT TEAMS\*\*  
~~2021~~, at 9:30 a.m., or as soon thereafter as counsel can be heard, why Orders should not be made  
and entered herein:

a. granting Partial Summary Judgment, pursuant to CPLR 3212, on the ninth cause  
of action, on behalf of nominal defendant JJS, for fraud, and on the eleventh cause of action, for  
aiding and abetting fraud, striking all of the Affirmative Defenses and Counterclaims of Defendant  
George Kessler in his Answer to the Third Amended Complaint, filed October 16, 2018 (NYSECF  
Doc. No. 554); and directing the entry of judgment in favor of Plaintiff and against Jean-Francois  
Simon and George Kessler, on the ninth and eleventh causes of action in the sum of  
\$11,191,294.30; and

b. compelling Defendants to produce, to Plaintiff and the Receiver, all FrancInvest  
bank statements for all HSBC accounts, worldwide, from 2002 to present, so as to be received on  
or before ~~the xxxxxxxx day of xxxxxxxxxxxx 2021, and~~ a date to be determined by the court; and

c. awarding Plaintiff attorneys' fees, pursuant to BCL 626(e), and costs of this motion,  
to compensate counsel for the time expended and costs incurred in connection with obtaining this  
recovery for nominal defendants FrancInvest and JJS, and granting such other and further relief as  
this Court deems just and proper; and it is further

**ORDERED**, that service of a copy of this Order, together with the copies of the papers  
all parties and their counsel, and  
upon which it is based, shall be made by service upon Defendants' counsel of record, by NYSCEF  
January 2023,  
and e-mail, on or before the 30th day of ~~September, 2021~~, shall be deemed good and sufficient  
service; and it is further

**ORDERED** that opposition papers, if any, shall be served upon Plaintiff's counsel of

record by NYSCEF and e-mail so as to be received on or before the 3rd day of March, 2023

~~2021 at xxxxxx~~; and it is further,

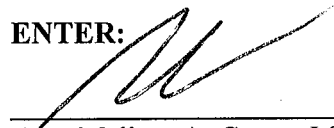
~~ORDERED that a remote hearing, if deemed necessary by the Court, shall be scheduled~~

~~for the xxxxxx day of xxxxxxxxxxxx 2021 at xxxxxxxxxxxx (the "Hearing Date")~~

ORDERED that reply papers, if any, must be served by filing on NYSCEF by March 22, 2023.

The April 4, 2023 appearance for this order to show cause will be remote, over Microsoft Teams, unless the parties request an in-person appearance at least three business days prior to the return date. Hybrid remote/in-person appearances are also permitted but must be requested by that same deadline.

ENTER:



Hon. Melissa A. Crane, J.S.C.

Dated: January 27, 2023