

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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NANCY SHUNKUEN NG, individually and
derivatively on behalf of ASQUARED GROUP, INC.
as Successor in Interest to KYOTO
RESTAURANT INC. and KYOTO DINING
GROUP INC.,

Index No.: 714168/16

Plaintiff,

JUDGMENT

-against-

ASQUARED GROUP, INC. as Successor in Interest to
KYOTO RESTAURANT INC. and KYOTO DINING
GROUP INC., XYZ CORP. a fictitious corporation
name intending same to be a successor in interest to
ASQUARED GROUP, INC d/b/a MIRA SUSHI a/k/a
MIRA SUSHI & IZAKAYA, and ANDY LEE,

**FILED & RECORDED
6/9/2020
8:31 AM
COUNTY CLERK
QUEENS COUNTY**

Defendants.

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The Plaintiff having moved for an Order pursuant to CPLR Section 3215 granting a default judgment in Plaintiff's favor as to all Plaintiff's claims and seeking an inquest on damages by motion filed December 21, 2017 and fully submitted January 17, 2018, and the motion having been granted by Order of the Honorable Denis J. Butler, J.S.C. dated February 21, 2018 and entered in the Office of the Queens County Clerk on February 27, 2018, and an inquest having been ordered which inquest commenced May 7, 2019 before the Honorable Salvatore Modica, J.S.C., at IAS Part 37 of the Supreme Court of the State of New York, County of Queens, held at the Courthouse located at **88-11** Sutphin Boulevard, Jamaica, New York, and the Plaintiff having appeared by her attorneys and the Defendants ASQUARED GROUP, INC. and ANDY LEE having appeared by their attorneys, and the Court after deliberation having made and filed a decision in writing dated March 13, 2020 and entered in the Office of the Queens County Clerk on March 17, 2020, a copy of which is annexed hereto, granting judgment in the

favor of the Plaintiff and against Defendant ANDY LEE, and granting Plaintiff judgment as against Defendant as follows:

Compensatory damages in the sum of \$135,208.98 with interest running from October 1, 2016 ~~to February 21, 2018~~ in the sum of \$ 44,907.90, ~~plus interest on the sum of \$135,208.98 calculated from February 21, 2018 to the date this Judgment is entered in the sum of \$ _____,~~

Punitive damages in the sum of \$700,000.00,

Legal fees in the sum of \$42,435.00 with interest running from February 21, 2018 to the date this Judgment is entered in the sum of \$ 8,778.81,

Disbursements in the sum of \$2,805.98 with interest running from February 21, 2018 to the date this Judgment is entered in the sum of \$ 580.49;

NOW, on Motion of WHITE, CIRRITO & NALLY, LLP, by Christopher M. Lynch, Esq., attorneys for Plaintiff NANCY SHUNKUEN NG, it is,

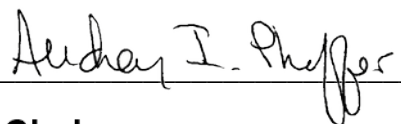
ADJUDGED: That the Plaintiff, NANCY SHUNKUEN NG, with an address of 8204 Westover Way, Somerset, New Jersey 08873, recover of the Defendant ANDY LEE, with an address of 8420 120th Street, Kew Gardens, New York 11415, compensatory damages in the sum of \$135,208.98 with interest running from October 1, 2016 ~~to February 21, 2018~~ in the sum of \$ 44,907.90, ~~plus interest on the sum of \$135,208.98 calculated from February 21, 2018 to the date this Judgment is entered in the sum of \$ _____,~~ punitive damages in the sum of \$700,000.00, legal fees in the sum of \$42,435.00 with interest running from February 21, 2018 to the date this Judgment is entered in the sum of \$ 8,778.81, together with costs and disbursements as taxed by the

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Clerk in the amount of \$ 4,086.47, making a total of

\$ 935,417.16; and plaintiff have execution therefor.

Judgment entered this 9th day of June, 2020.



Clerk

**FILED & RECORDED
6/9/2020
8:31 AM
COUNTY CLERK
QUEENS COUNTY**

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF QUEENS

-----X
 NANCY SHUNKUEN NG, individually and
 derivatively on behalf of ASQUARED GROUP, INC.
 as Successor in Interest to KYOTO
 RESTAURANT INC. and KYOTO DINING
 GROUP INC.,

Index No.: 714168/16

Plaintiff,

BILL OF COSTS

-against-

ASQUARED GROUP, INC. as Successor in Interest to
 KYOTO RESTAURANT INC. and KYOTO DINING
 GROUP INC., XYZ CORP. a fictitious corporation
 name intending same to be a successor in interest to
 ASQUARED GROUP, INC d/b/a MIRA SUSHI a/k/a
 MIRA SUSHI & IZAKAYA, and ANDY LEE,

WITHIN COSTS TAXED ~~WITH~~ WITHOUT NOTICE
 AT \$ **4,086.47**

6/9/2020

AS PER THE COURT
COUNTY CLERK QUEENS COUNTY

Defendants.

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COSTS	\$	DISBURSEMENTS	\$
Costs before note of issue CPLR §8201(1).....	200.00	Fee for index number CPLR §8018(a).....	210.00
		Referee's fee CPLR §8301(a)(1), 8003(a).....	
Costs after note of issue CPLR §8201(2).....	200.00	Commissioner's compensation CPLR §8301(a)(2).....	
		Clerk's fee, filing notice of pend. or attach. CPLR§ 8021(a)(10).....	
Trial/Inquest of issue CPLR §8201(3).....	300.00	Entering and docketing judgment CPLR §8301(a)(7), 8016(a)(2)...	35.00
		Paid for searches CPLR §8301(a)(10).....	
Allowance by statute CPLR §8302(a),(b).....		Affidavits and acknowledgments CPLR §8009.....	
		Serving copy summons & complaint CPLR §8011(h)(1), 8301(d)...	300.00
Additional Allowance CPLR §8302(d).....		Request for judicial intervention.....	95.00
		Note of issue CPLR §8020(a).....	30.00
Motion costs CPLR §8202.....	45.00	Paid referee's report CPLR §8301(a)(12).....	
		Transcripts and filing CPLR §8021.....	
Appeal to Appellate Term CPLR §8203(b).....		Certified copies of papers CPLR §8301(a)(4).....	
		Satisfaction piece CPLR §5020(a), 8021.....	
Appeal to Appellate Division CPLR §8203(a).....		Certified copy of judgment CPLR §8021.....	
		Postage CPLR §8301.....	96.56
Appeal to Court of Appeals CPLR §8204.....		Jury fee CPLR §8020(c).....	
		Stenographer's fees CPLR §8002, 8301(a)(9).....	494.55
Costs upon frivolous claims and counterclaims CPLR §8303-a.....		Sheriff's fees on execution CPLR §8011, 8012.....	
		Sheriff's fees, attachment, arrest, etc. CPLR §8011.....	
		Paid printing cases CPLR §8301(a)(6).....	
		Clerk's fees Court of Appeals CPLR §8301(a)(12)	
		Paid copies of papers CPLR §8016(a)(4)	
		Motion Expenses CPLR §8301(b)	
		Fees for publication CPLR §8301(a)(3)	
		Serving subpoena CPLR §8011(h), 8301(d)	490.00


Paid for search CPLR §8301(a)(10)	
Referee's Report	
Attendance of Witnesses CPLR §8001(a)(b)(c), 8031(a)(1)	21.22

Costs.....\$ 745.00

Disbursements.....\$1,772.33

TOTAL.....\$2,517.33

TOTAL DISBURSEMENTS.....\$ 1,772.33

<p>State of New York, County of _____ ss.:</p> <p>being duly sworn, deposes and says; that deponent is not a party to the action, is over 18 years of age and resides at _____ day of _____, 20____</p> <p>deponent served the within bill of costs and notice of taxation on attorney(s) for _____ herein, at his office at _____ during his absence from said office strike out either (a) or (b) _____ (a) by then and there leaving a true copy of the same with his clerk; partner; person having charge of said office. _____ (b) and said office being closed, by depositing a true copy of same, enclosed in a sealed wrapper directed to said attorney(s), in the office letter drop or box.</p> <p>_____</p> <p>Sworn to before me this _____ day of _____, 20____</p>	<p>714168-16 SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF QUEENS</p> <hr/> <p>NANCY SHUNKUEN NG, individually and derivatively on behalf of ASQUARED GROUP, INC. as Successor in Interest to KYOTO RESTAURANT INC. and KYOTO DINING GROUP INC.,</p> <p style="text-align: right;">Plaintiff(s)</p> <p style="text-align: center;">against</p> <p>ASQUARED GROUP, INC. as Successor in Interest to KYOTO RESTAURANT INC. and KYOTO DINING GROUP INC., XYZ CORP. a fictitious corporation name intending same to be a successor in interest to ASQUARED GROUP, INC d/b/a MIRA SUSHI a/k/a MIRA SUSHI & IZAKAYA, and ANDY LEE,</p> <p style="text-align: right;">Defendant(s)</p> <hr/> <p style="text-align: center;">PLAINTIFF'S COSTS AND DISBURSEMENTS, NOTICE OF TAXATION</p> <hr/> <p>Sir: Please take Notice that the within is true copy of the items of costs and disbursements in the within action *-taxed- and that the same will be taxed- by the clerk of the Supreme Court, at his office in the courthouse thereof on the _____ day of _____ 2017, at 9:30 o'clock in the fore noon of that day- and the amount inserted in the judgement.</p> <p>Yours, etc.</p> <p>WHITE, CIRPITO & NALLY, LLP Attorney(s) for Plaintiff 58 Hilton Avenue Hempstead, New York 11550 (516) 291-1818 to _____</p> <hr/> <p>Service of the within bill of costs and notice of taxation is hereby admitted this _____ day of _____</p> <p style="text-align: center;">_____ Attorney(s) for _____</p>	<p>The undersigned, an attorney admitted to practice in the courts of this state, affirms; that he is a partner of the firm of WHITE, CIRPITO & NALLY, LLP, the trial attorneys of record for the Plaintiffs in the above-entitled action; that the foregoing disbursements have been or will necessarily be made or incurred in this action and are reasonable in amount and that each of the persons named as witnesses, attended as such witness on the trial, hearing or examination before trial herein the number of days set opposite their names; that each of said persons resided the number of miles set opposite their names, from the place of said trials, hearing or examination; and each of said persons, as such witness as aforesaid necessarily traveled the number of miles so set opposite their names, in traveling to, and the same distance in returning from the same place of trial, hearing or examination; and that copies of documents or papers as charged herein were actually and necessarily obtained for use.</p> <p>The undersigned affirms that the foregoing statements are true, under the penalties of perjury.</p> <p>Dated: June 8, 2020 Hempstead, New York</p> <p style="text-align: right;"></p> <p>/s/Christopher M. Lynch</p> <p style="text-align: right;">Christopher M. Lynch, Esq.</p>
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