

Supreme Court of the State of New York
Bronx County

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Dean George Pappas, as the
Executor of the Estate of William Egan, and
Dean George Pappas, individually,

Index No.: 35136/2020E

Plaintiffs,

Amended Notice of Motion

-against-

B & G Holding Co.
d/b/a B & G Holding Company and
Eugene Leogrande,

Defendants.

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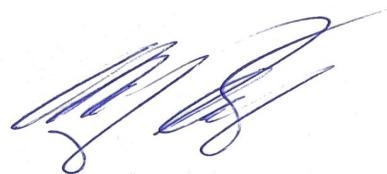
PLEASE TAKE NOTICE that upon the Affirmation of Allan J. Ahearne, Jr., Esq., affirmed April 20, 2024, and upon all exhibits and papers submitted herewith and all prior pleadings made and proceedings had herein, Plaintiffs Dean George Pappas, as the Executor of the Estate of William Egan, and Dean George Pappas, individually will Move this Court the Bronx County Supreme Courthouse, 851 Grand Concourse, Bronx, New York, Motion Support Office, Room 217, on **July 15, 2024**, or as soon thereafter as counsel can be heard, for an Order pursuant to CPLR § 3001 for a declaratory judgment Order holding that (i) there are no waivers of the right to make testamentary bequests stated within the Partnership Agreement that (ii) the deceased was therefore free to make a specific bequest of his Partnership interests to the Plaintiff, that (iii) the deceased did make a specific bequest of his Partnership interests to the Plaintiff, and that (iv) title in the deceased’s Partnership interests vested in Plaintiff as a specific devisee upon the death of the testator, that (v) the deceased’s Partnership interests passed outside of the deceased estate, that (vi) there are no valuation provisions in the Partnership Agreement applicable to the valuation of Partnership interests that pass to a specific devisee, and (vii) because the Partnership Agreement states no

applicable limitations or methodology for the valuation of specific bequests, the Agreement does not control the valuation of the Partnership interests held by the Plaintiff, together with such other relief and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Answering Papers, if any, are to be interposed at least seven (7) days prior to the return date of this Motion, pursuant to CPLR § 2214 (b).

Dated: April 29, 2024
Warwick, N.Y.

Certified pursuant to Courts Rules 130-1.1(a)



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