

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY: COMMERCIAL DIVISION

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ARIEL X. BURT, individually and derivatively
on behalf of FORSYTHE LTD.,

Index No.: 910717-23
Hon. Richard M. Platkin
Motion Seq. No. 001

**ORDER TO
SHOW CAUSE**

Plaintiff,

-against-

LLUIS TORRENT JEREZ,

Defendant.

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UPON reading the Memorandum of Law in Support of Plaintiff’s Motion for a Preliminary Injunction dated June 13, 2024, the Affirmation of Ariel X. Burt in Support of Her Motion for a Preliminary Injunction dated June 13, 2024, along with the Exhibits annexed thereto, and the Affirmation of Eric Porter in Support of Plaintiff’s Motion for a Preliminary Injunction dated June 13, 2024, along with the Exhibits annexed thereto, all submitted by Plaintiff Ariel X. Burt (“Plaintiff”) in support of Plaintiff’s motion brought by proposed Order to Show Cause pursuant to CPLR § 6301, and upon all pleadings and proceedings had herein, and due deliberation having been had thereon, and good and sufficient cause having been shown,

IT IS ORDERED THAT Defendant Lluís Torrent Jerez (“Defendant”) shall appear before this Court at a hearing to be held at the Albany County Courthouse located at 16 Eagle Street, Albany, New York 12207, on the 5th day of July, 2024, at 9:30 o’clock in the forenoon of that day, or as soon thereafter as counsel can be heard, to show cause why an Order should not be made and entered in this action as follows:

**** NO PERSONAL OR VIRTUAL APPEARANCES ON THE RETURN ****

- (i) prohibiting Defendant from effectuating any further sales or transfers of the assets of Atlas Renewables LLC (“Atlas”) without the written consent and approval of Forsythe Ltd. (“Forsythe”);
- (ii) requiring Defendant to deposit the proceeds of any such sales or transfers, including but not limited to the sale he has already effectuated with non-party Onyx Renewable Partners L.P. (“Onyx”), with the Court pursuant to CPLR § 2601, to be held during the pendency of this litigation; and
- (iii) requiring Defendant to provide Plaintiff with an accounting of Atlas’s business operations from July 2023 through the present;

AND IT IS FURTHER ORDERED, that Defendant shall serve and file his opposition papers, if any, no later than June 28, 2024;

AND IT IS FURTHER ORDERED, that Plaintiff shall serve and file her reply papers, if any, no later than July 3, 2024.

Dated: June 14, 2024



Hon. Richard M. Platkin



06/14/2024

ADDITIONAL DIRECTIVES:

(1) Service of this OTSC and the papers upon which it was granted via NYSCEF on or before June 18, 2024 shall be good and sufficient service.

(2) There shall not be any personal or virtual appearances on the return of the OTSC. The Court will schedule any necessary appearances after reviewing the written submissions.

(3) Absent a binding and enforceable commitment by Defendant to refrain from disposition of the assets of Atlas Renewables LLC without Plaintiff’s written consent or some other mutually-agreeable method of preserving the status quo during the pendency of this motion, the Court is disinclined to extend Defendant’s time to serve answering papers.