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At IAS Part \_\_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Brooklyn, at the Courthouse located at 360 Adams Street, Brooklyn, New York on the 15<sup>th</sup> day of April 2011

PRESENT:

~~MON. KATHY J. KING~~ for

HONORABLE CE DEMAREST  
Justice.

-----X  
BOZ EXPORT & IMPORT, INC.  
d/b/a MASAL CAFÉ, MUSTAFA BOZ,  
and AMMER MUSLU  
PLAINTIFFS,

Index Number: 8738/2011

- AGAINST-

ORDER TO SHOW CAUSE

SELAHATTIN KARAKUS,  
DEFENDANT.  
-----X

Upon reading and filing the annexed affidavits of Mustafa Boz and Ammer Muslu, both sworn to March 30, 2011, Nejdet Cinar sworn to April 12, 2011 and the affirmation of Marc E. Verzani, Esq., dated April 15, 2011, together with the exhibits annexed thereto, and upon the summons and complaint, and upon all prior proceedings heretofore had herein,

Let defendant or his attorneys show cause before this court at IAS Part \_\_\_\_\_ <sup>COMI</sup> at the courthouse located at 360 <sup>ADAMS</sup> ~~Centre~~ Street, Brooklyn, New York, on the 29<sup>th</sup> <sup>APRIL</sup> ~~May~~ day of 2011 at 9:30 a.m. in the forenoon of that day, or as soon thereafter as counsel can be heard, why an order should not be entered herein:

1. Pursuant to CPLR 6301, enjoining and restraining defendant, his agents, members, servants, employees, attorneys and all persons known or unknown acting under him or on his behalf or in concert with him, from:

a. Declaring or taking any action to terminate the written sublease made as of May 1, 2009 ("Lease") between plaintiff Boz Export & Import, Inc. d/b/a Masal Café ("Masal"), as subtenant, and Lundy's Management Corp., as tenant/sub-landlord, with respect to the ground floor commercial store ("Premises") at 1901 Emmons Avenue, Brooklyn, New York ("Building") where Masal operates its restaurant/coffee/breakfast shop (the "Café");

b. Managing, operating and controlling Masal and the Café including collecting money, tips, and all other sources of revenue pertaining to the operation and maintenance of Masal and the Café,

c. Receiving, retaining and disbursing any money in defendant's possession, custody and control which pertains to the operations of Masal and the Café, as the case may be,

d. Interfering in any manner with the possession, use, occupancy and enjoyment of the Premises by plaintiffs;

e. Interfering in any manner with the operation, maintenance and control of the Café by the individual plaintiffs or persons designated by either of them, and

f. Enjoining defendant from entering or coming to the Café during the pendency of this action.

It appearing that a cause of action exists for a declaratory judgment and a preliminary injunction and that unless the acts or threatened acts as described herein are restrained pending determination by the court of plaintiffs' right to such relief, defendant will proceed with such acts

and declare the Lease terminated and tortiously interfering with the business of Masal and the Café, and it appearing therefrom that immediate and irreparable injury, loss or damage will result to plaintiffs herein before a hearing can be held, it

ORDERED that, pending the hearing of this motion, defendant, his agents, members, servants, employees, attorneys and all persons known or unknown acting under him or on his behalf or in concert with him, are hereby enjoined and restrained from:

a. Declaring or taking any action to terminate the written sublease made as of May 1, 2009 ("Lease") between plaintiff Boz Export & Import, Inc. d/b/a Masal Café ("Masal"), as subtenant, and Lundy's Management Corp., as tenant/sub-landlord, with respect to the ground floor commercial store ("Premises") at 1901 Emmons Avenue, Brooklyn, New York ("Building") where Masal operates its restaurant/coffee/breakfast shop (the "Café");

b. Managing, operating and controlling Masal and the Café including collecting money, tips, and all other sources of revenue pertaining to the operation and maintenance of Masal and the Café,

c. Receiving, retaining and disbursing any money in defendant's possession, custody and control which pertains to the operations of Masal and the Café, as the case may be,

d. Interfering in any manner with the possession, use, occupancy and enjoyment of the Premises by plaintiffs;

e. Interfering in any manner with the operation, maintenance and control of the Café by the individual plaintiffs or persons designated by either of them, and

f. Enjoining defendant from entering or coming to the Café ~~during the pendency of this action.~~

GRANTS  
REVIEW

STAY

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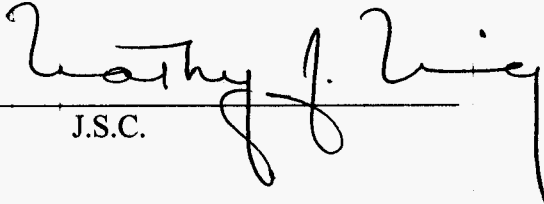
~~g. Granting plaintiff such other and further relief as to the court may seem just and proper.~~

~~ORDERED, that opposition papers shall be served by hand delivery on or before May \_\_\_ 2011, and it is further~~

~~ORDERED, that reply papers shall be served by hand delivery on or before May \_\_\_ 2011~~

Sufficient cause appearing therefore, let personal service of a copy of this order and the papers upon which it is based upon defendant Selahattin Karakus by his attorneys, Melih Dogan, Esq., Dogan & Associates, 5 East 59th Street, Suite 750, New York, New York 10022, phone 212-755-1550 Fax 212-755-1575 on or before April 18 2011 be deemed good and sufficient.

ENTER

  
\_\_\_\_\_  
J.S.C.

**HON. KATHY J. KING**  
**JSC**