

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

----- X

In the matter of the Determination  
of the Value of Shares of  
Harlem River Yard Ventures, Inc. (now,  
Harlem River Yard Ventures II, Inc.)

\* \* \*

Hunts Point Terminal Produce  
Cooperative Association Inc.,

Petitioner,

v.

Harlem River Yard Ventures, Inc.,  
Harlem River Yard Ventures II, Inc., and  
Francesco Galesi,

Respondents.

----- X

Index No. 602341/07

**JUDGMENT**

This matter having come before the Court, Honorable Edward H. Lehner, J.H.O., presiding, upon a special proceeding commenced pursuant to Business Corporation Law section 623, the Court having held trial in May 2010 and oral arguments thereafter, and having considered the parties' written submissions, and a Decision and Order having been issued by the Court on July 11, 2011 and entered on July 12, 2011;

NOW, on motion of Dechert LLP, attorneys for Petitioner, it is

ADJUDGED, that ~~Judgment is entered in favor of~~ Petitioner Hunts Point

Terminal Produce Cooperative Association Inc., having its principal place of business at 2A New York City Terminal Market, Bronx, New York 10474, ~~and~~ <sup>have judgment and recover</sup> against Respondent Harlem River Yard Ventures, Inc., having its principal place of business at 98 Lincoln Avenue, Bronx, New York 10454, in the amount of \$2,087,552, plus interest thereon at

6% per annum from March 12, 2007 through July 25, 2011 in the amount of \$547,338.59,  
plus \$1,150,000 for reasonable attorneys' fees and expenses, plus statutory costs and  
disbursements in the sum of ~~\$1100~~ <sup>\$1075.00</sup>; amounting in all to the sum of ~~\$726,010.59~~ <sup>\$3,785,965.59</sup>; and ~~it~~  
~~is further~~ petitioner shall have execution thereof.

~~ADJUDGED, that post judgment interest shall accrue at the statutory rate of~~  
~~0% from the date hereof.~~

Dated at New York, New York, this 29<sup>th</sup> day of July, 2011.

*Norman Goodman*  
CLERK OF THE COURT

**FILED**

JUL 29 2011

NEW YORK  
COUNTY CLERK'S OFFICE



SUPREME COURT  
COUNTY OF NEW YORK

HUNTS POINT TERMINAL PRODUCE COOPERATIVE ASSOCIATION, INC.

Index No. 602341/07

against

Petitioner,

Costs of JUDGMENT

HARLEM RIVER YARD VENTURES, INC. ET AL.,

Respondents.

COSTS

Costs before note of issue CPLR §8201 subd. 1	\$ 200
Costs after note of issue CPLR §8201 subd. 2	200
Trial of issue CPLR §8201 subd. 3	300
Allowance by statute CPLR §8302(a), (b)	
Additional allowance CPLR §8302 (d)	
Motion costs CPLR §8202	
Appeal to Appellate Term CPLR §8203 (b)	
Appeal to Appellate Division CPLR §8203 (a)	
Appeal to Court of Appeals CPLR §8204	
Costs upon frivolous claims and counterclaims CPLR §8303-a	

DISBURSEMENTS

Fee for index number CPLR §8018(a)	\$ 210
Referee's fees CPLR §8301(a)(1), 8003(a)	
Commissioner's compensation CPLR §8301(a)(2)	
Clerk's fee, filing notice of pend. or attach. CPLR §8021(a)(10)	
Entering and docketing judgment CPLR §8301(a)(7), 8016(a)(2)	
Paid for searches CPLR §8301(a)(10)	
Affidavits & acknowledgments CPLR §8009	
Serving copy summons & complaint CPLR §8011(h)(1), 8301(d)	40
Request for judicial intervention	95
Note of issue CPLR §8020(a)	30
Paid referee's report CPLR §8301(a)(12)	
Certified copies of papers CPLR §8301(a)(4)	
Satisfactory piece CPLR §5020(a), 8021	
Transcripts and filing CPLR §8021	
Certified copy of judgment CPLR §8021	
Receipts CPLR §8301(a)(12)	
Jury fee CPLR §8020(c)	
Stenographers' fees CPLR §8002, 8301	
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 fee 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)(1), 8301(d)	
Paid for Search CPLR §8301(a)(10)	
Referee's report	
Attendance of witnesses CPLR §8001(a)(b)(c), 8301(a)(1)	

I HEREBY CERTIFY THAT I HAVE  
ADJUSTED THIS BILL OF COSTS AT  
\$ 1,075.00

JUL 29 2011

Norman Goodman  
CLERK

COSTS	\$ 700
DISBURSEMENTS	\$ 375
TOTAL	\$ 1075

~~\$ 420~~  
\$ 375.00

The undersigned, an attorney admitted to practice in the courts of this state, affirms: that I am ROBERT J. JOSSEN

the attorney(s) of record for the PETITIONER 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 trial, 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.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: July 25, 2011

*[Handwritten Signature]*  
The name signed must be printed beneath

**FILED**

JUL 29 2011

NEW YORK COUNTY CLERK'S OFFICE

Index No. 602341/07

SUPREME COURT  
COUNTY OF NEW YORK  
HUNTS POINT TERMINAL PRODUCE  
COOPERATIVE ASSOCIATION, INC.,

Petitioner,

against

HARLEM RIVER YARD VENTURES, INC. ET AL.,  
Respondents.

**Bill of Costs  
and Notice of Taxation**

Please Take Notice that the within is a true copy of the items of costs and disbursements in the within captioned taxed\* and that the same will be taxed\* by the Clerk of Court, at his/her office in the courthouse thereof on

at M. of that day—and the amount inserted in the judgment. Yours, etc.

Attorney(s) for

Attorney(s) for

To Service of the within bill of costs and notice of taxation is hereby admitted on

Attorney(s) for

\* Strike out one (CPLR §8402, 8403)

State of New York, County of ss.:

being duly sworn, deposes and says; that deponent is not a party to the action, is over 18 years of age and resides at

That on deponent served the within bill of costs and notice of taxation on

attorney(s) for herein, at his/her office at

during his/her absence from said office

strike out either (a) or (b)

(a) by then and there leaving a true copy of the same with

his/her 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.

Sworn to before me on

State of New York, County of ss.:

being duly sworn, deposes and says; that deponent is not a party to the action, is over 18 years of age and resides at

That on deponent served the within bill of costs and notice of taxation on

attorney(s) for at

the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in—a post office—official depository under the exclusive care and custody of the United States Postal Service within New York State.

Sworn to before me on

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

----- X  
:  
In the matter of the Determination :  
of the Value of Shares of :  
Harlem River Yard Ventures, Inc. (now, :  
Harlem River Yard Ventures II, Inc.) :

Index No. 602341/07

\* \* \*

Hunts Point Terminal Produce  
Cooperative Association Inc.,

**INTEREST CALCULATION**

Petitioner,

v.

Harlem River Yard Ventures, Inc.,  
Harlem River Yard Ventures II, Inc., and  
Francesco Galesi,

Respondents.  
----- X

The interest calculation from March 12, 2007 through July 25, 2011 for the purpose of  
the judgment is as follows:

$\$2,087,552$  (Judgment amount) x  $4.36986$  (time period) x  $.06$  (interest rate) =  $\$547,338.59$ .

Dated: New York, New York  
July 25, 2011

**FILED**  
JUL 29 2011  
NEW YORK  
COUNTY CLERK'S OFFICE

DECHERT LLP

By: 

Robert J. Jossen  
Joshua I. Sherman

1095 Avenue of the Americas  
New York, New York 10036  
(212) 698-3500

*Attorneys for Petitioner*

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

----- X  
In the matter of the Determination  
of the Value of Shares of  
Harlem River Yard Ventures, Inc. (now,  
Harlem River Yard Ventures II, Inc.)

\* \* \*

Hunts Point Terminal Produce  
Cooperative Association Inc.,

Petitioner,

v.

Harlem River Yard Ventures, Inc.,  
Harlem River Yard Ventures II, Inc., and  
Francesco Galesi,

Respondents.  
----- X

Index No. 602341/07

**JUDGMENT**

1-1  
**FILED AND  
DOCKETED**

JUL 29 2011

AT 3:09 PM  
N.Y. CO. CLK'S OFFICE

**JUDGMENT**



DECHERT LLP  
1095 Avenue of the Americas  
New York, New York 10036  
(212) 698-3500  
*Attorneys for Petitioner*