

ORIGINAL

At a Motion Term of the Supreme Court, Sixth Judicial District, held in and for the County of Broome, at the Courthouse, in the City of Binghamton, on the 8th Day of June, 2010.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF BROOME

Application of STEPHEN RICHARDS,

Petitioner,

ORDER

For the Judicial Dissolution of
SUPPLIER DISTRIBUTION CONCEPTS, INC.
and MDR CUSTOM COMPONENTS, LLC,

Index No.: CA2010001095
RJI No.: 2010-0569-M
Hon. Ferris D. Lebous, J.S.C.

Respondents.

Petitioner, Stephen Richards, having moved this Court for the judicial dissolution of Supplier Distribution Concepts, Inc. and MDR Custom Components, LLC, pursuant to Business Corporation Law and Limited Liability Company Law respectively and Motion to change venue and Cross-Motion to retain venue.

NOW, THEREFORE, upon the reading and filing of the Petitioner's Petition, dated April 26, 2010; the Affidavit of Joseph J. Steflik, Jr., Esq., sworn to April 26, 2010; Affidavit of Petitioner, Stephen Richards, ^{sworn to April 26, 2010} in support of the Order to Show Cause, ^{dated} sworn to April ~~24~~²⁶, 2010, with attached exhibits; the Respondent's Demand to Change Venue, dated May 6, 2010; the Affidavit of Joseph J. Steflik, Jr., Esq., in response to Demand to Change Venue, sworn to May 10, 2010; the Affirmation of Warren B. Rosenbaum, Esq., in support of Motion to Change Venue, pursuant to CPLR 510(1), dated May 17, 2010, with attached exhibits; Affidavit of Charles J. Dekar, in support of Motion to Change Venue, sworn to May 17, 2010, with attached exhibits; Respondent's Memorandum of Law in support of Respondent's Motion to Change Venue, dated May 17, 2010; Petitioner's Cross-Motion to Retain Venue in Broome County, dated May 26, 2010; the Affidavit of Stephen Richards, in support of Cross-Motion to Retain Venue in Broome

County, sworn to May 26, 2010; the Affidavit of Joseph J. Steflik, Jr., Esq., sworn to May 26, 2010, in support of Cross-Motion to Retain Venue in Broome County; Reply Affirmation of Warren B. Rosenbaum, Esq., in further support of Motion to Change Venue, and in opposition to Cross-Motion to Retain Venue, dated June 4, 2010, with attached exhibits; Reply Affidavit of Charles J. Dekar, in opposition to Cross-Motion to Retain Venue, sworn to June 3, 2010; Respondent's Reply Memorandum of Law in support of Motion to Change Venue, and in opposition to Cross-Motion to Retain Venue, dated June 4, 2010; Reply Affidavit of Joseph J. Steflik, Jr., Esq. in further support of Cross-Motion to retain venue in Broome County, sworn to June 7, 2010; Reply Affidavit of Reinaldo B. Valenzuela, Esq. in further support of Cross-Motion to retain venue in Broome County, sworn to June 7, 2010; Reply Affidavit of Stephen Richards in further support of Cross-Motion to retain venue in Broome County, sworn to June 7, 2010; Petitioner's Memorandum of Law in support of Cross-Motion to retain venue in Broome County, dated June 7, 2010 and upon all prior pleadings and proceedings had herein; and

This matter having come on to be heard before the Court at a Motion Term, held on the 8th day of June, 2010, and after hearing Joseph J. Steflik, Jr., Esq., of counsel to Coughlin & Gerhart, LLP argue in support of the Cross-Motion to Retain Venue, and Warren B. Rosenbaum, Esq., of counsel to Woods, Oviat, Gilman, LLP, argue in support of the motion to change venue and in opposition to the Cross-Motion to Retain Venue, and after due deliberation thereon, and this Court having ruled from the bench, as follows, it is

ORDERED, that the motion of Respondents to change venue is denied, with prejudice, and it is further

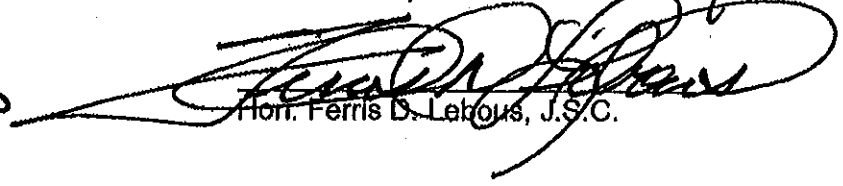
ORDERED, that the Petitioner's Cross-Motion to Retain Venue in Broome County is granted; and it is further

ORDERED, that the Respondents file their answer by July 15, 2010, pursuant to the CPLR with respect to the Petitioner's Petition for the judicial dissolution of Supplier Distribution Concepts, Inc. and MDR Custom Components, Inc.; and

An oral decision having been given by the court, a copy of the transcript of which is attached hereto and incorporated herein.

1979

DATED: JUNE 21, 2010



Hon. Ferris D. Lehoucq, J.S.C.

ENTERED