

WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.

NOTICE: The purpose of the hearing is to punish you for a contempt of court. Such punishment may consist of fine or imprisonment, or both, according to law.

At IAS Part 21 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse located at 360 Adams Street, Brooklyn, New York 11201, on the 7th day of January, 2019.

C

PRESENT: Hon. Paul Wooten, J.S.C.

-----X
PAVEL ROYTKOV,

Plaintiff,

-against-

ROYAL DEVELOPMENT, INC.,

Defendant.
-----X

Index No: 515543/2018

ORDER TO SHOW CAUSE

Hon. Paul Wooten

Motion #2

PW

Upon the annexed Affirmation of Eleazar Jacobs, Esq., dated January 7, 2019, the Memorandum of Law, and exhibits thereto,

LET Defendant ROYAL DEVELOPMENT, INC. (the "Defendant") and its counsel show cause before this Court at Part 27, to be held at the courthouse thereof, located at 360 Adams Street, Room 775, Brooklyn, New York 11201, on the 20th day of March, 2019 at 9:30 AM, or as soon thereafter as counsel can be heard, why an Order should not be made:

(a) pursuant to Judiciary Law §§ 753(a), 756, and CPLR § 5104, holding Defendant and its counsel in civil contempt of the Court for their disobedience of Judge Ellen M. Spodek's Order, dated August 8, 2018 and Judge Paul Wooten's Order, dated September 26, 2018, together

with costs and damages sustained by Plaintiff by reason of Defendant's failure to comply with the Orders;

(b) pursuant to Judiciary Law §§ 750(a) and 751, holding Defendant and its counsel in criminal contempt of the Court for their willful disobedience of Judge Ellen M. Spodek's Order, dated August 8, 2018 and Judge Paul Wooten's Order, dated September 26, 2018, together with costs and damages sustained by Plaintiff by reason of Defendant's failure to comply with the Orders;

(c) pursuant to CPLR § 2221(a), modifying Judge Paul Wooten's Order, dated September 26, 2018;

(d) pursuant to CPLR § 3124, compelling Defendant to respond to (1) Plaintiff's First Notice of Discovery and Inspection, dated December 8, 2018, (2) Plaintiff's First Set of Interrogatories, dated December 8, 2018, and (3) Plaintiff's Notice to Admit, dated December 8, 2018; and

(e) granting such other and further relief as the Court deems just and proper, including costs and attorney fees incurred in making this motion; and it is

ORDERED that Defendant must immediately disclose to Plaintiff (1) the time, date, and location of the closing of the sale of the Property located at Block 3642, Lot 1 in Kings County, and commonly known as 738 Chester Street, 723 Bristol Street, and 9829 Ditmas Avenue, Brooklyn, NY 11236 (the "Property"), (2) the purchase price of the Property, and (3) the contact information for both the buyer's and seller's attorney conducting the closing of the sale of the Property; and it is further

ORDERED that Defendant must immediately produce to Plaintiff the fully executed contract of sale for the Property; and it is further

Handwritten initials "RW" in a circle, with a signature and the name "Hon. Paul Wooten" written below it.

RW
JSC
S.S.
stay
RW
JSC
Hon. Paul Wooten
S.S.C.

~~ORDERED~~ that, pending the hearing of this application, ~~the closing for the sale of the~~
~~Property is stayed, or, alternatively, it is~~

~~ORDERED~~ that, pending the hearing of this application, if there is any closing for the sale
of the Property, Plaintiff (or his attorney/agent) may attend the closing and directly receive ~~xxx~~ 18.5%
of net proceeds of the sale of the Property, to be immediately deposited ~~in Plaintiff's attorney's~~
~~own~~ account and shall only be released upon Order of the Court or written agreement of all
parties to this action, and it is further

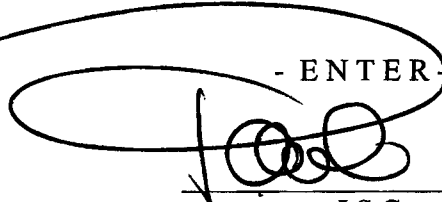
with the Clerk RW
JSC
of Kings County, Supreme Court
and disclosure of that cost shall be made to Kings
County Surrogate's Court

~~ORDERED~~ that Defendant's opposition papers, if any, are to be served on Plaintiff via
NYSCEF at least seven (7) days prior to the return date of this motion; and it is further

~~ORDERED~~ that Plaintiff's reply papers, if any, are to be served on Defendant via
NYSCEF at least one (1) day prior to the return date of this motion; and

LET service of a copy of this order, together with the papers upon which it was granted,
upon the Defendant and its counsel via NYSCEF on or before the 14 day of
February, 2019, be deemed sufficient service thereof.

Opposition papers, if any, shall be served upon all
Parties and this Court no later than 7 days
prior to the next return date.

- ENTER -

Hon. Paul Wooten J.S.C.