

FILED: NEW YORK COUNTY CLERK 04/04/2018 03:55 PM

NYSCEF DOC. NO. 23

RECEIVED NYSCEF: 04/04/2018

At IAS Part 7 of the Supreme Court of the State of New York, held in and for the County of New York at the County Courthouse, 60 Centre Street, New York, New York on the 4 th day of April, 2018.

PRESENT: Hon. Gerald Lebovits
Justice of the Supreme Court

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

----- X
DANIEL ROCK,

Plaintiff,
-against-

AWARD PUBLISHING LIMITED,

Defendant.
----- X

Index No. 100773/12

**ORDER TO SHOW CAUSE
AND
TEMPORARY RESTRAINT**

ms# 3

UPON the reading and filing of the annexed Declaration of Michele Gugich, executed on ~~March 30~~ ^{April 3}, 2018, and the exhibits attached thereto, and upon all pleadings and proceedings heretofore had herein,

Let plaintiff Daniel Rock and defendant Award Publishing Limited, ^{or their attorneys} show cause before Honorable Gerald Lebovits, Justice of the Supreme Court of the State of New York, County of New York, at IAS Part 7, Room 345, of this Court, at the Courthouse, 60 Centre Street, New York, N.Y., on the 20th day of JUNE, 2018, at 9:15 o'clock in the After noon or as soon as the parties to this proceeding may be heard why an order should not be issued pursuant to CPLR 2214. 6301. 6311. restraining HSBC from

paying or turning over to the sheriff pursuant to a restraining notice on an account of Award Publishing Limited, the amount of \$30,000 that was mistakenly transferred to Award Publishing Limited by Wendy Pye Publishing Limited, and (ii) authorizing HSBC to reverse an erroneous transfer of \$30,000 by Wendy Pye Publishing Limited to an account of defendant Award Publishing Limited, and such other and further relief as may to the court seem just and proper.

AND, it being alleged that immediate injury, loss or damage will result to non-party Wendy Pye Publishing Limited before notice can be served and hearing can be had, it is further

ORDERED that, pursuant to CPLR 6313, pending the hearing of this Order to Show Cause, HSBC is temporarily restrained from paying plaintiff or turning over to the sheriff pursuant to a restraining notice on an account of Award Publishing Limited, the amount of \$30,000 that was mistakenly transferred to Award Publishing Limited by Wendy Pye Publishing Limited.

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, it is

ORDERED that service of a copy of this Order and the papers upon which it was granted by Judge Lebovits, with proof of service to be filed, upon William J. Cortellesa, Esq., of Counsel, William A. Hecht. P.C., 84 Business Park Drive, Suite 110, Armonk, New York 10504, attorneys of record for plaintiff Dan Rock, and Neil G. Sparber, Norton Rose Fulbright US LLP, 1031 Avenue of the Americas, New York, New York, 10019, attorneys of record for defendant Award Publishing Limited, on or before the 13th day of April 2018, be deemed good and sufficient service. An affidavit or other proof of service shall be presented to this Court on the return date fixed above.

IT IS FURTHER ORDERED that answering papers, if any, shall be served by _____ on Pepper Hamilton, attention Jessica Rothenberg, 620 Eighth Avenue, 37th

HON. GERALD L. BOVITS
HON. GERALD L. BOVITS
JSC

INDEXED 100735214
FILED: NEW YORK COUNTY CLERK 04/04/2018 03:55 PM

NYSCEF DOC. NO. 23

RECEIVED NYSCEF: 04/04/2018

Floor, New York, New York, 10018, counsel for non-party Wendy Pye Publishing Limited, and
filed with the clerk on or before JUNE 8, 2018. ~~Reply papers, if any, shall be served by~~
~~_____ on or before _____, 2018.~~

ENTER:

Oral Argument
Directed

JSC

HON. GERALD LEOVITS
J.S.C.

Index No. 100773/2012

J.S.C. 4/4/18
HON. GERALD LEOVITS
J.S.C.