

ORIGINAL

At Individual Assignment Part 35 at the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York on the

HON. DAVID B. COHEN 6 day of March 2018 J.S.C.

PRESENT: HON. \_\_\_\_\_

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

-----X Index No.: 651525/2017

TURTLE ISLAND CORP.

Plaintiff,

ORDER TO SHOW CAUSE

-against-

MAISON DI PRIMA LLC, MANUELA DI PRIMA and FABIO DI PRIMA

Defendants.

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UPON the annexed affirmation of Tracy William Boshart, Esq. dated March 8, 2018, and the annexed affidavit of defendant Manuela Di Prima sworn to on March 15th, 2018, the exhibits annexed thereto and the pleadings and proceedings heretofore had herein, it is hereby,

ORDERED, that Plaintiff Turtle Island Corp., or his attorneys, show cause before this Court at IAS Part 51, Room 594, at the Courthouse, located at 60 Centre Street, New York, New York, on MAY 23, 2018 at 9:30 a.m., or as soon thereafter as counsel may be heard, why an Order should not be made and entered herein:

- a. Pursuant to CPLR §5015(a)(4) and §317:
  1. Vacating Defendant Maison Di Prima LLC's default and the judgment entered thereupon;
  2. Vacating Defendant Manuela Di Prima's default and the judgment entered thereupon;
  3. Vacating Defendant Fabio Di Prima's default;

4. Dismissing the proceeding for lack of personal jurisdiction;
  5. Extending all Defendant's time to file an answer herein;
- b. Pursuant to CPLR §5015(a)(1)
1. Vacating Defendant Maison Di Prima LLC's default and the judgment entered thereupon;
  2. Vacating Defendant Manuela Di Prima's default and the judgment entered thereupon;
  3. Vacating Defendant Fabio Di Prima's default;
  4. Dismissing the proceeding for lack of personal jurisdiction;
  5. Extending all Defendant's time to file an answer herein;
- c. Pursuant to CPLR §5015(a)(3)
1. Vacating Defendant Maison Di Prima LLC's default and the judgment entered thereupon;
  2. Vacating Defendant Manuela Di Prima's default and the judgment entered thereupon;
  3. Vacating Defendant Fabio Di Prima's default;
  4. Dismissing the proceeding for lack of personal jurisdiction;
  5. Extending all Defendant's time to file an answer herein;
- d. For such other and further relief as this Court deems just and proper.

Sufficient cause having been alleged, it is hereby:

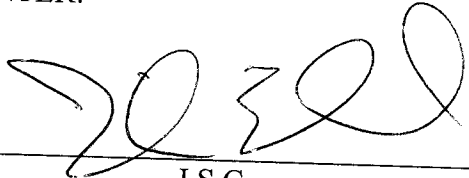
**ORDERED**, that pending the hearing and determination of this motion:

- a. Plaintiff and the Court be stayed from any enforcement of the default judgment entered herein against any of the Defendants.

**ORDERED**, that service of a copy of this Order and copies of the papers upon which it is granted be made upon Plaintiff Turtle Island Corp by service upon its counsel Ingram Yuzek Gainen Carroll & Bertolotti, LLP at their offices located at 250 Park Ave, New York, NY 10177 by personal delivery or overnight mail on or before ~~March~~ <sup>April 8</sup> \_\_\_\_, 2018, shall be deemed good and sufficient service;

**ORDERED**, that this motion shall be orally argued by the parties, or their counsel, and opposition papers, if any, be served upon Plaintiff's counsel, Rosman and Boshart, 50 Main St., 10<sup>th</sup> Fl. White Plains, NY 10606 so as to be received by 5:00 P.M. at least five (5) business days prior to the return date and reply papers, if any, be served upon Defendant so as to be received at least one (1) business day prior to the return date.

ENTER:

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

**HON. DAVID B. COHEN**  
**J.S.C.**