

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

HON. JENNIFER G. SCHECTER

PRESENT: J.S.C. Justice

PART 54

Index Number : 652857/2016
UPPER EAST SIDE SUITES LLC
vs.
BENEDETTO CICO
SEQUENCE NUMBER : 013
STAY

INDEX NO.
MOTION DATE 6/7/19
MOTION SEQ. NO.

The following papers, numbered 1 to , were read on this motion to/for
Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s). 328-338
Answering Affidavits — Exhibits No(s). 339-342
Replying Affidavits No(s).

Upon the foregoing papers, it is ordered that this motion

to stay or dismiss the case due to the company's counsel of record supposedly not having been validly retained is denied. The company filed written consents signed by holders of more than half of the membership interests that expressly authorized the engagement of the company's counsel to pursue this case (Dkt. 341). Other issues regarding the written consents will be addressed in the court's decision on the pending motions to dismiss.

Moreover, Mr. Cico's 6/11/19 letter to the members - who are represented by counsel - is extremely troubling (see Dkt. 342). The court will not sua sponte issue an order regarding the issues raised in the opposition brief without a formal motion.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 6/11/19

[Signature] J.S.C.

HON. JENNIFER G. SCHECTER

- 1. CHECK ONE: CASE DISPOSED, NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED, DENIED, GRANTED IN PART, OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER, SUBMIT ORDER, DO NOT POST, FIDUCIARY APPOINTMENT, REFERENCE