

At IAS Part Com 1 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 on the 28<sup>th</sup> day of January, 2011

*Y. Febo*  
KINGS COUNTY CLERK  
FEE PD \$ 45.00  
*[Signature]*

HON. HON. CAROLYN E. DEMAREST, J.S.C.

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WM CAPITAL PARTNERS II, LLC,

Plaintiff,

Index No. 3548-2011

-against-

**ORDER TO SHOW CAUSE**

MAGEN DAVID YESHIVAH a/k/a MEGAN DAVID YESHIVAH,

Defendant.  
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Upon the summons and complaint filed herewith herewith, and the annexed Affidavit of Scott Whitworth sworn to on February 25, 2011, the undertaking of WM Capital Partners II, LLC in the sum of \$3,300,000.00 dated February 28, 2011, and the memorandum of law filed in support of the application of plaintiff, WM Capital Partners II, LLC ("WM Capital"):

LET the defendant, Magen David Yeshivah a/k/a Megan David Yeshivah ("MDY")  
→ herein show cause show cause before this Court, on May 24, 2011, at 9:30 in the Fore noon, at IAS Part Com 1, Room 756, at the Courthouse located at 360 Adams Street, Brooklyn, New York, why an Order should not be made and entered, pursuant to CPLR § 7102, directing the sheriff of any county where the chattel, described in the aforesaid Affidavit of Scott Whitworth and the exhibits attached thereto, is found, to seize the same and further directing that, if the chattel is not delivered to the sheriff, he may break open,

enter and search for the chattel in 2130 McDonald Avenue, Brooklyn, New York, 11223; and it is

STAY  
JSC

ORDERED, that pending the hearing ~~and determination~~ of this motion the aforesaid chattel shall not be removed from 2130 McDonald Avenue, Brooklyn, New York, 11223, transferred, sold, pledged, assigned, or otherwise disposed of or permitted to become subject to a security interest or lien until further order of this court; and it is further

ORDERED, that the chattel be made available to WM Capital for inspection and inventorying on or before \_\_\_\_\_, 2011; ~~and it is further~~

~~ORDERED that~~, personal service of a copy of this Order and the papers upon which it is granted, together with the Summons and Amended Complaint and Request for Judicial Intervention, shall be made upon the defendant or its counsel, on or before \_\_\_\_\_, 2011 ~~at \_\_\_\_\_ in the \_\_\_\_\_ noon~~, and that shall be deemed good and sufficient service; ~~and it is further~~

OSC  
Service accepted by Counsel in Courtroom.


~~ORDERED that answering papers, in any, shall be delivered to WM Capital's counsel and be filed with the Court in such manner that they will receive them no later than \_\_\_\_\_ days prior to the return date hereof.~~

Copy of Amended Complaint by overnight mail to Counsel

~~ORDERED that reply papers, if any, shall be delivered to defendant or its counsel and be filed with the Court in such manner that they will receive them no later than one (1) day prior to the return date hereof.~~

~~The above-entitled action is brought to recover a chattel, among other requested relief~~

Enter,

  
\_\_\_\_\_  
J.S.C.  
HON. CAROLYN E. DEMAREST