

At IAS Part II of 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, NY, on the 3rd day of January 2023.

PRESENT: Hon. Lyle E. Frank
J.S.C.

KASOWITZ BENSON TORRES LLP,
Plaintiff,
v.
GLENN AGRE BERGMAN & FUENTES LLP,
Defendant.

[PROPOSED] ORDER TO SHOW CAUSE FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Index No. 650008/2023

Motion Seq. No. 1 - JUDGMENT DECLARATORY

Upon the reading and filing of the annexed Emergency Affirmation of Joshua A. Siegel, Esq. dated December 30, 2022, and the exhibits annexed thereto; the Affirmation of Mitchell R. Schrage, Esq, sworn to December 30, 2022; the Complaint, dated December 30, 2022; the Memorandum of Law submitted in support of plaintiff Kasowitz Benson Torres LLP's ("Plaintiff") Application for a Temporary Restraining Order and Preliminary Injunction, and Other Relief; and upon all prior pleadings and proceedings herein, and sufficient cause having been alleged,

LET the defendant Glenn Agre Bergman & Fuentes LLP ("Defendant") appear and show cause before this Court, at IAS Part II, to be held in and for the County of New York, at the Courthouse located at ⁸⁰60 Centre Street, New York, New York, ^{Room 308} on the 15th day of February, 2023, at Noon o'clock in the of that day, or as soon thereafter as counsel may be heard, why an Order should not be made and entered herein:

- (1) pursuant to New York Judiciary Law § 475 and applicable law, declaring and adjudging that Plaintiff has a valid and enforceable charging lien upon the 15% legal fee due to the parties, the apportionment of which is disputed between the parties, and which funds are in the possession of, or soon to come into the possession of Defendant; and
- (2) pursuant to CPLR § 6301, et seq. and applicable law, preliminarily restraining and enjoining Defendant from disposing, transferring, disbursing or otherwise distributing the disputed funds until such time as the Court determines the apportionment of the disputed funds as between Plaintiff and Defendant; and
- (3) pursuant to CPLR § 2601, et seq. and applicable law, directing Defendant to account for the disputed funds and to deposit same into Court until such time as the Court determines the apportionment of the disputed funds as between Plaintiff and Defendant;
- (4) setting the matter down for a hearing to determine the apportionment of the disputed

funds between Plaintiff and Defendant; and ~~it is further~~ *for such other and further relief this court deems just and proper.*

ORDERED, that, pending the hearing and ~~determination~~ of this application, Defendant, its members, directors, agents, employees, servants and any and all other persons acting on their behalf, are restrained and enjoined from disposing, transferring, disbursing or otherwise distributing the disputed funds; and it is further

ORDERED, that service by NYSCEF and electronic mail of a copy of this Order to Show Cause, together with the papers upon which it is based, upon Defendant on or before January 9, 2023, shall be deemed good and sufficient service thereof; and it is further

