



PRESENT:

HON. James Yates, JSC**MOTION SEQUENCE #003**

NORTH HILL FUNDING OF NEW YORK, LLC

Index No.: 602997/2009
(Action No. 1)

Plaintiff,

**ORDER TO
SHOW CAUSE**

-against-

MAIDEN & MADISON HOLDINGS, LLC, RIP
HOLDINGS V, LLC, CAPSTONE BUSINESS
CREDIT, LLC, CAPSTONE CAPITAL GROUP I, LLC
JOHN R. RICE, III AND JOSEPH F. INGRASSIA,
Defendant.**FEE PAID**

JUL 14 2010

NEW YORK
COUNTY CLERK'S OFFICE158 MADISON AVENUE ASSOCIATES, LLC,
CAPSTONE BUSINESS CREDIT, LLC, CAPSTONE
CAPITAL GROUP I, LLC, JOHN R. RICE, III,
and JOSEPH F. INGRASSIAIndex No.: 603397/2009
(Action No.2)

Plaintiff

-against-

NORTH HILL FUNDING OF NEW YORK, LLC and
BERKSHIRE CAPITAL FINANCIAL LTD.,

Defendant

Upon the attached Affidavits of John Rice and Joseph Ingrassia, and the affirmation of Scott A. Brody, Esq., all sworn to on June 28, 2010, and the exhibits attached thereto, and upon

all prior pleadings and proceedings, and sufficient cause having been alleged therefore, it is hereby.

ORDERED that Plaintiff in Action No.1 NORTH HILL FUNDING OF NEW YORK, LLC and BERKSHIRE CAPITAL FINANCIAL LTD. show cause before the Honorable Justice Yates of this Court, at the Courthouse, 60 Center Street, New York, New York on

August 10, 2010 at 10:30 A.M., or as soon thereafter as counsel may be heard, why an order should not be made and entered;

HON. JAMES A. YATES
JH
A. Pursuant to CPLR section 5240, enjoining Plaintiff, its agents or employees' or anyone on its behalf, from taking any measures to enforce the Judgment entered by this Court on July 12, 2010, until further Order of this Court; and

B. Setting forth the manner in which monies received by the sale of the parcel known as 158 Madison Avenue shall be applied to constitute an offset of the Judgment dated July 12, 2010.

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HON. JAMES A. YATES
ORDERED that sufficient cause having been shown, and the parties having appeared before the Court, and pending the hearing ~~and determination~~ of this Order to Show Cause, Plaintiff, its agents or employees' or anyone on its behalf, are hereby enjoined from taking any ^{only} ~~such~~ measures to enforce the Judgment entered by this Court on July 12, 2010, *AS DESCRIBED IN APPENDIX D*

ORDERED that service of a copy of this order to show cause, together with the papers upon which it is predicted, upon counsel for Plaintiff in Action No.1 NORTH HILL FUNDING OF NEW YORK, LLC, Greenberg Traurig, 200 Park Avenue, New York, New York, personally or by overnight delivery on or before the 14 day of July, 2010, be deemed good and sufficient service thereof. Answering papers and Affidavits, if any, are to be served personally

JAY
or by fax on or before July 12, 2010 at 5:00 p.m. on Defendants' counsel BRODY, ✓
O'CONNOR & O'CONNOR, ESQS 111 John Street, Suite 900, New York, New York 10038.

HON. JAMES A. YATES

ENTER,

HON.

JUL 14 2010

James A. Yates

**ORAL ARGUMENT
DIRECTED**

*J.S.C.
James A. Yates*

Appendix A

Pending hearing on the application:

1. Plaintiffs, by stipulation, will take no steps to interfere with performance and completion of the the Skyland, LLC contract (Appendix F);
2. Plaintiffs, by stipulation, will give same day's notice to Defendant's attorney upon service of any restraint upon bank accounts of Defendant;
3. Plaintiff's will not commence any turnover proceeding with regard to jewelry of D'Annunzio held by Defendant, prior to August 30, 2010

JUL 14 2010

SO ORDERED
James A. Yates
J.S.C.