

At the IAS Part 12 Supreme Court of the State of New York, County of New York, located at 60 Centre Street, New York 11201, on the 27 of April, 2021

PRESENT: Hon. **HON. NANCY M. BANNON**
JUSTICE

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

-----X
PERFORMLINE, INC.,

Index No. 650217/2021

Plaintiff,

-against-

ORDER TO SHOW CAUSE

APOGEE EVENTS INC.,

MS# 002

Defendant.
-----X

UPON the annexed Memorandum of Law in Support of Defendant Apogee Events Inc.'s Order to Show Cause, Affirmation of Milo Silberstein, dated April 27, 2021, Affidavit of William Reilly, sworn to on the 23rd day of April, and upon all the prior papers and proceedings heretofore and herein, by its counsel IAS Part 42 of ET the Plaintiff Performline, Inc. ("Plaintiff"), show cause to this Court at the Supreme Court of the State of New York, County of New York, located at 60 Centre Street, New York, New York, on the 7th day of June, 2021, at X in the forenoon of that day, or as soon thereafter as counsel can be heard, why an **ORDER** should not be made and entered herein:

- a) Pursuant to CPLR 5015(a)(1) and/or CPLR 317 vacating the default judgment in this action, which was entered with the Court on April 19, 2021, on the grounds that Defendant was not personally served, the default was excusable and that Defendant has a meritorious defense;

* Submission on papers only.

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b) Pursuant to CPLR 2004 and 3012(d), extending the time for Defendant to answer the complaint, and deeming the Answer timely filed and served;

c) Granting such with such other and further relief as to this Court may seem just and proper; and it is further, ~~sufficient cause being alleged,~~

~~ORDERED~~ that pending a hearing of the instant Order to Show Cause, that any actions by Plaintiff, its attorneys and agents are hereby restrained and enjoined from taking any action seeking to obtain a judgment or enforce the default judgment entered herein against Defendant and in favor of Plaintiff dated April 19, 2021, and the enforcement of such default judgment is hereby stayed.

no TRO

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LET service of a copy of this Order to Show Cause together with a copy of the annexed Memorandum of Law, Affidavit, Affirmation and accompanying exhibits thereto upon the attorneys for Plaintiff, Stonberg Moran, LLP, 505 8th Avenue Suite 2302, New York, New York 10018, via NYSCEF and overnight mail delivery on or before the 3rd day of May 2021, be sufficient.

~~Dated: New York, New York~~
~~April~~, 2021

ENTER

Chief Argument Director

JSC

J.S.C.

NMB 4-27-21

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Any opposing papers to be filed on or before May 24, 2021. Any reply to be filed on or before June 4, 2021. Service by NYSCEF.