

Interim Order

651486-10

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

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BURLINGTON COAT FACTORY WAREHOUSE
CORPORATION D/B/A MODE CRAFT FASHIONS

Plaintiff,

-against-

CLASSIC THREADS INC., SUNCARE
ACCESSORIES LTD., W&M HEADWEAR CO., INC.,
W&M IMPORT & EXPORT, LTD., PESACH KUTEN,
ISAAC ELIAS, JAMES DORVIL & JOHN DOES 1-5

**ORDER WITH
TEMPORARY
RESTRAINTS**

Motion Seq 001

Defendants.

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WHEREAS, the Court entered an Order on September 15, 2010 staying and enjoining Classic Threads Inc. ("Classic Threads"), Suncare Accessories Ltd. ("Suncare"), W&M Headwear Co, Inc. ("W&M"), W&M Import & Export, Ltd. ("W&M Import") (Classic Threads, Suncare, W&M and W&M Import are sometimes collectively referred to as the "Affiliated Corporate Defendants"), and non-party banks TD Bank, N.A. and/or Commerce Bank, N.A., JP Morgan Chase, HSBC Bank USA, and Citibank N.V. (collectively referred to as the "Non-Party Banks") from paying any check drawn upon, or otherwise removing any funds from, the bank account under the name of the Affiliated Corporate Defendants, or any other bank accounts owned or maintained by the Affiliated Corporate Defendants, or their principals (the "TRO"), pending a hearing on Plaintiff Burlington Coat Factory Warehouse Corporation d/b/a Mode Craft Fashions' ("Plaintiff") Motion via Order to Show Cause for an Order of Attachment and Related Relief (the "Motion");

WHEREAS, a hearing on the Motion was held on October 6, 2010 (the "Hearing") at which Harlan M. Lazarus, Esq. of the law firm of Lazarus & Lazarus, P.C. appeared

on behalf of Plaintiff, Charles L. Mester, Esq. of the law firm of Turek Roth Mester LLP appeared on behalf of Classic Threads, Suncare, W&M, and Pesach Kuten, and Justin M. Sher, Esq. of the law firm of Sher LLP appeared on behalf of W&M Import and Isaac Elias;

WHEREAS, at the Hearing Plaintiff's counsel requested that the TRO be expanded to include Pesach Kuten and counsel for Pesach Kuten objected;

WHEREAS, at the Hearing Plaintiff's counsel and counsel for W&M Import and Isaac Elias agreed that the TRO as to W&M Import and Isaac Elias be withdrawn;

WHEREAS, at the Hearing Plaintiff's counsel requested that the Court order expedited discovery and counsel for Pesach Kuten objected;

NOW THEREFORE IT IS ORDERED, that the TRO is withdrawn, on consent, as to W&M Import and Isaac Elias only; and it is further

ORDERED, that the TRO is expanded to include Pesach Kuten; and it is further

ORDERED, that pending a hearing on the Motion, and the entry of an order thereupon, Classic Threads, Suncare, W&M, Pesach Kuten, and the Non-Party Banks are hereby stayed and enjoined from paying any check drawn upon, or otherwise removing any funds from, bank accounts under the name of Classic Threads, Suncare, W&M and Pesach Kuten, or any other bank accounts owned or maintained by Classic Threads, Suncare, W&M and Pesach Kuten, or their principals; and it is further

ORDERED, that Plaintiff is to serve, on counsel for Classic Threads, Suncare, W&M, and Pesach Kuten, Plaintiff's Request for the Production of Documents concerning bank accounts, and accounts at any other financial institutions, in the name of Classic Threads, Suncare, W&M, and/or Pesach Kuten (the "Document Requests"), on or before October 8, 2010; and it is further

ORDERED, that Classic Threads, Suncare, W&M, and Pesach Kuten shall serve responses to the Document Requests, on counsel for Plaintiff, on or before October 15, 2010; and it is further

ORDERED, that opposition papers, if any, to the Motion, shall be served on counsel for Plaintiff on or before October 22, 2010; and it is further

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ORDERED, that reply papers, if any, in further support of the Motion, shall be served on counsel for Classic Threads, Suncare, W&M, and Pesach Kuten on or before October 29, 2010; and it is further

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ORDERED, that Oral Argument on the Motion shall be held at IAS Part 60, room 248, of the Courthouse thereof located at 60 Centre Street, New York, New York, on November 1, 2010 at 3:30 p.m. of that day.

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ENTER:



HON. BERNARD J. FRIED, J.S.C.

HON. BERNARD J. FRIED 10/7/2010