

it further appearing to the Court that on or about January 5, 1994, the United States Bankruptcy Court for the Southern District of Florida dismissed the bankruptcy proceeding of the said defendant Judith Herskowitz, with prejudice; and this Court having heard Steven Delibert, Esq., in support of said motion for entry of judgment and applications, and no one having appeared in opposition thereto,

NOW, on reading and filing the Motion by order to Show Cause dated January 6, 1994; the affirmation of Steven Delibert executed January 4, 1994, and the exhibits annexed thereto, in support of said Motion; the proof of due service of said Motion on each of the defendants; and the Report of Referee Frank B. Lewis dated March 22, 1993; and on the Court's decision from the bench on the record on January 21, 1994; on motion of Steven Delibert, Esq., attorney for plaintiff, it is

ORDERED, that the matter of plaintiff's application for an award of expenses and counsel fees pursuant to Business Corporation Law §626(e) is severed from the remainder of this action, and plaintiff is granted leave to make application to the Court for such award without affecting the finality hereof; and it is further

ORDERED, that, as to the defendant JUDITH HERSKOWITZ, the said motion by Order to Show Cause dated January 6, 1994, is GRANTED in all respects; and it is further

ORDERED and ADJUDGED, that as to the defendant, JUDITH HERSKOWITZ, the report of Hon. Frank B. Lewis, Special Referee, dated March 22, 1993, and entered March 23, 1993, be and it hereby is modified by inserting therein the phrase, "diminution of value resulting from", after the sum "\$960,000.00", appearing on page 2 thereof; and it is further

ORDERED and ADJUDGED; that as to the defendant JUDITH HERSKOWITZ said report is in all other respects CONFIRMED; and it is further

ORDERED and ADJUDGED, that plaintiff Susan Charney on behalf of North Jersey • Trading Corporation recover against defendant Judith Herskowitz:

1. The sum of \$2,104,963.33, with interest thereon at the judgment rate from February 1, 1989, in the amount of \$ 441,471.04 through the date of entry hereof; and

2. The further sum of \$960,000.00, with interest thereon at the judgment rate from March 1, 1993, in the amount of \$ 77,040.00 through the date of entry hereof; and

3. The further sum of \$200,000.00, with interest thereon at the judgment rate from March 1, 1993, in the amount of \$ 16,050.00 through the date of entry hereof; making in all the sum of: \$ 4,300,024.42; and it is further

ORDERED and ADJUDGED, that the plaintiff Susan Charney, personally and individually, recover the sum of

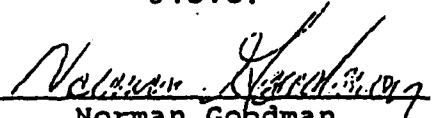
X \$ 700 costs and disbursements taxed by
the Clerk; and it is further

ORDERED, that plaintiff have execution therefor.

ENTER



J.S.C.



Norman Goodman
County Clerk

Judgment Creditor:
Susan Charney,
individually and on
behalf of North
Jersey Trading Corp
c/o Delibert
Suite 1606
277 Broadway
New York, N.Y. 10007

Judgment Debtor:
Judith Herskowitz
P.O. Box 403543
3470 Chase Avenue
Miami Beach, Fla.
333140

FILED
01/21/94
COUNTY CLERK'S OFFICE
NEW YORK

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No 268952

COUNTY OF NEW YORK
CLERK OF THE SUPREME COURT,
COUNTY OF NEW YORK, SS:
I, NORMAN GOODMAN,
COUNTY CLERK AND CLERK
OF THE SUPREME COURT,
COUNTY OF NEW YORK,
DO HEREBY CERTIFY THAT
ON 01/21/94
I HAVE RECEIVED AND
RECORDED THE ORIGINAL
OF THE ABOVE
AND THE SAME IS A
TRUE COPY
OF THE
AS THE SAME IS
FILED BY
MEAL
NORMAN GOODMAN
COUNTY CLERK OF THE
COUNTY OF NEW YORK
FURNISH SIGNATURE USED
IN ACCORDANCE TO SEC. 303,
COUNTY LAW.