

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: JEFFREY K. OING
J.S.C.
Justice

PART 48

Index Number : 652498/2015
MARLIN & ASSOCIATES HOLDING
vs.
PERSEUS TELECOM LIMITED
SEQUENCE NUMBER : 001
DISMISS

INDEX NO. _____
MOTION DATE _____
MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ No(s). _____
Answering Affidavits — Exhibits _____ No(s). _____
Replying Affidavits _____ No(s). _____

Upon the foregoing papers, it is ordered that this motion is

Δ's mtn to dismiss is denied for the reasons stated on the 12/15/15 record which is incorporated herein for all purposes. Π's mtn for s/j pursuant to CPLR 3211(c) is granted for the reasons stated on the same record. Contrary to Δ's argument, there is no factual issue that a Transaction materialized during the term of the employment & that GSSL is an affiliate of GSFC & GSPS, so that Π is entitled to compensation under the parties' agreement. Accordingly, s/j is awarded to Π on the issue of liability. Damages are held in abeyance pending notification from counsel.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 12/15/15

JEFFREY K. OING
J.S.C.

- 1. CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
- 3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER DO NOT POST FIDUCIARY APPOINTMENT REFERENCE