SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY
PRESENT: Hon. **LOUIS B. YORK**   **PART**   **2**
                          Justice

--X

JANAK DATWANI,

                        Plaintiff,   Index No. 112937/11

       -against-   Motion Date 02/01/12

                                              Motion Seq. No.   001

KISHIN DATWANI,   Motion Cal. No.   ___

                   Defendant.

--X

The following papers, numbered 1 to   were read on this motion for   Preliminary Injunction

                                                          | PAPERS

NUMBERED
Notice of Motion/ Order to Show Cause — Affidavits — Exhibits _____

Answering Affidavits — Exhibits _____

FILED

Replying Affidavits _____

Cross-Motion: [ ] Yes   [X] No   FEB 07 2012

NEW YORK
COUNTY CLERK'S OFFICE

Upon the foregoing papers, plaintiff is moving for a preliminary injunction staying the

sale of shares of stock possessed by the defendant, his brother, pending a final judgment.

Twenty years ago, both sides signed a letter in which 1,500 equity shares were to be

sold for $6,000. The enforceability of that agreement is in dispute. Is the enforcement of the

contract barred by the Statute of Limitations? If not, what about laches? Is the $6,000 a

deposit or is it full payment? Is the letter itself a complete agreement or an agreement to

agree?

In the meantime, there is another lawsuit before the High Court of India involving a

third brother in which the ownership of these shares is being litigated. This raises the

possibility of inconsistent verdicts. Also, does the law of New York apply or the law of

India, since only one of the brothers in this case resides in New York, the other in Europe,

and although it is alleged that the letter was signed in New York, the company is situated in

India.

Accordingly, there are grounds for a stay because of the action in India which the

Court is informed is the older action.

Accordingly, it is

ORDERED that the defendant is stayed from selling the shares pending a final

disposition and this action is stayed pending a decision on the ownership of the shares in

question by the High Court of India.

FILED

Dated: 2-/2/12

Enter:

FEB 07 2012

NEW YORK
COUNTY CLERK'S OFFICE

_____
Louis B. York, J.S.C.

LOUIS B. YORK
J.S.C.

Check one: ☐ **FINAL DISPOSITION**   ☒ **NON-FINAL DISPOSITION**

Check if appropriate: ☐ **DO NOT POST**   ☐ **REFERENCE**