

CHARLES E. RAMOS
J.S.C.

At IAS PART 53, of the Supreme Court of the State of New York, held in and for the County of New York, at the County Courthouse, located at 60 Centre Street, New York on the 17th day of November, 2015

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

_____ X

TIMOTHY REIF and DAVID FRAENKEL,
as Co- Executors of the
ESTATE OF LEON FISCHER and
MILOS VAVRA,

Index No. 161799-2015

Plaintiffs,

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER**

-against-

RICHARD NAGY, RICHARD NAGY Ltd.,
Artworks by the Artist Egon Schiele known as
WOMAN IN A BLACK PINAFORE, and WOMAN
HIDING HER FACE

MOTIONSEQUENCE # 001

Defendants.

_____ X

Upon reading and filing of the Verified Summons and Complaint with Exhibits A-H dated November 16, 2015; the Affirmation of Emergency of Raymond J. Dowd, Esq. dated November 16, 2015; and upon all of the prior papers and proceedings had to date herein.

LET, Defendants show cause before the Honorable **HON. CHARLES E. RAMOS**, J.S.C. at IAS Part 53 Room 238, of the Courthouse of the Supreme Court of the State of New York, 60 Centre Street, New York, New York, on the 1st day of December 2015, at 11:00 a.m./p.m., or as soon thereafter as counsel can be heard, why an Order should not be issued pursuant to Art. 63 of the CPLR at CPLR 7109 providing

- (a) that two paintings by Egon Schiele entitled *Woman in Black Pinafore* and *Woman Hiding Her Face* currently in Defendant's possession shall not be removed from the state, transferred, sold, pledged, assigned or otherwise disposed of until the further order of the court;
- (b) for expedited discovery from Defendants, and nonparties Seventh Regiment Armory Conservancy, Inc. and Sanford L. Smith and Associated Ltd.;
- (c) along with any such other and further relief as the Court deems just, proper and equitable;

SUFFICIENT CAUSE BEING ALLEGED AND ESTABLISHED THEREFOR; it

is hereby **FURTHER ORDERED**, that

- this order to show cause: (a)*
- Ⓢ pending the hearing of ~~the motion~~ Defendant and its respective agents, servants, employees and attorneys, and all persons in active concert or participation with them who receive actual notice of this Order are hereby temporarily enjoined and restrained from transferring, selling, pledging, assigning or otherwise disposing of *Woman in Black Pinafore* and *Woman Hiding Her Face*; and
- (b) Nonparties Seventh Regiment Armory Conservancy, Inc. and Sanford L. Smith and Associated Ltd. shall not permit *Woman in Black Pinafore* and *Woman Hiding Her Face* from being removed from the Park Avenue Armory if they are still located therein; and/or
- (c) Nonparties Seventh Regiment Armory Conservancy, Inc. and Sanford L. Smith and Associated Ltd. shall produce expedited documents or a summary document containing information within ___ days of service of this Order sufficient to show (i) who delivered *Woman in Black Pinafore* and *Woman Hiding Her Face* to the Park Avenue Armory for The Salon + Art and Design Fair; (ii) the current location

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Defendant Richard Nagy; (iii) the current or last known location of *Woman in Black Pinafore* and *Woman Hiding Her Face*; and/or (iv) who removed *Woman in Black Pinafore* and *Woman Hiding Her Face*; and it is

~~FURTHER ORDERED, that failure to comply with this Order shall be punishable as contempt of Court; and it is~~

FURTHER ORDERED, that answering papers, if any, should be filed and served on or before 11/30, 2015; and it is

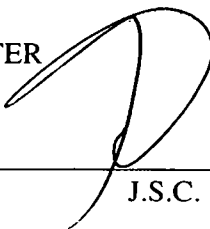
~~FURTHER ORDERED, that reply papers, if any, should be filed and served via e-mail on or before _____, 2015; and it is~~

FURTHER ORDERED, that a service of a copy of this Order together with copy of the papers upon which it is granted upon Defendants via e-mail to "info@richardnagy.com" and Inter net mail on or before Nov 18, 2015 be deemed good and sufficient service thereof on the grounds that Defendants' physical location cannot be ascertained; and it is

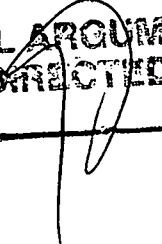
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FURTHER ORDERED, that service of a copy of this Order together with copy of the papers upon which it is granted upon Nonparties at their addresses on file with the New York Secretary of State, SEVENTH REGIMENT ARMORY CONSERVANCY, INC. ATTN: CFO 643 PARK AVENUE NY, NEW YORK, 10065 and SANFORD L. SMITH AND ASSOCIATES, LTD., 447 W 24TH STREET NEW YORK, NEW YORK, 10011 ~~ca~~ _____ on or before 11, 19 2015 be deemed good and sufficient therefore.

ENTER



J.S.C.

ORAL ARGUMENT
DIRECTED

J.S.C.