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004,005 (2/24/98 memo)

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AT an IAS Part 37 of the
Supreme Court, State of New
York, held in and for the
County of Suffolk at the
Courthouse, Griffing Avenue,
Riverhead, New York on the ___
day of _____ 1998.

PRESENT
HONORABLE

W. BRANLEY HALL

JUSTICE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

APR 07 1998

THOMAS R. WILLIAMSON, III,

X
: Index No. 96-5253

Plaintiff,

:
:

ORDER

-against-

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MOLTECH CORP.,

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Defendant.

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X

The defendant in the within action, having made a motion for an Order pursuant to CPLR 3212, directing that summary judgment be entered herein in favor of the defendant for dismissal of each of the seven causes of action alleged in the amended complaint, and for the relief demanded in the counterclaims asserted by the defendant; and the plaintiff's cross-motion for partial summary pursuant to CPLR 3212(e) for an Order directing the entry of partial summary judgment in favor of the plaintiff.

NOW, on the reading of the Notice of Motion for Summary Judgment, dated September 22, 1997; the Affidavit of Herbert Rosenberg in Support of the Motion for Summary Judgment, sworn to on September 22, 1997; the undated Memorandum of Law

in Support of Defendant's Motion for Summary Judgment; Notice of Plaintiff's Cross-Motion for Partial Summary Judgment, dated October 27, 1997; Affidavit of Thomas R. Williamson, III, in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Partial Summary Judgment, sworn to on October 24, 1997; Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Partial Summary Judgment, dated October 27, 1997; Affidavit of Herbert Rosenberg in Opposition to Plaintiff's Cross-Motion, sworn to on November 18, 1997; Affidavit of Terje Skotheim in Opposition to Plaintiff's Cross-Motion, sworn to on November 14, 1997; Memorandum of Law in Opposition to Plaintiff's Cross-Motion for Partial Summary Judgment, dated November 18, 1997; Reply Affidavit of Herbert Rosenberg in Further Support of Defendant's Motion, sworn to on November 21, 1997; Reply Memorandum of Law in Further Support of Defendant's Motion for Summary Judgment, dated November 21, 1997; Reply Affidavit of Thomas R. Williamson, III in Further Support of Plaintiff's Cross-Motion for Partial Summary Judgment, sworn to on November 26, 1997; Plaintiff's Reply Memorandum of Law in Further Support of Cross-Motion for Partial Summary Judgment, dated December 8, 1997; Additional Affidavit of Herbert Rosenberg in Support of Defendant's Motion and in Opposition to the Cross-Motion, sworn to on December 22, 1997; it is

ORDERED, that defendant's motion for summary judgment dismissing each of plaintiff's seven causes of action is denied in its entirety;

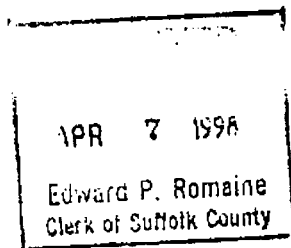
ORDERED, that plaintiff's cross-motion for partial summary judgment awarding relief on the sixth and seventh causes of action relating to the exercise of the Stock Option Agreement on January 12, 1995 is denied;

ORDERED, that plaintiff's cross-motion for dismissal of defendant's fourth affirmative defense and second counterclaim for fraudulent inducement is denied;

ORDERED, that plaintiff's cross-motion for dismissal of defendant's third affirmative defense and first counterclaim is granted; and

ORDERED, that all outstanding discovery proceed with all deliberate speed.

ENTER:



W. BROMLEY HALL, J.S.C.