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At an ⁴⁹TAS Part of the Supreme Court of the State of New York in and for the County of New York, located at 60 Centre St., New York, New York on the 30th day of October, 2013.

PRESENT: **O. PETER SHERWOOD**
Hon. _____
JUSTICE

MOTION SEQUENCE # 15178
001
13M26555

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

SOF U.S. RESTAURANT CO-INVEST
HOLDINGS, L.L.C.,

Plaintiff,

v.

STEPHEN P. HANSON,

Defendant.

FEE PAID

OCT 30 2013

NEW YORK COUNTY CLERK'S OFFICE

Case No. 160004/2013

**ORDER TO SHOW CAUSE IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND
PRELIMINARY INJUNCTION**

Upon the annexed Emergency Affirmation of Ross L. Weiner, Esq. dated October 30, 2013, the exhibits attached thereto, the annexed Affidavit of Daniel Yih sworn to on October 30, 2013, the exhibits attached thereto, the accompanying Complaint, the accompanying Memorandum of Law in Support; it is hereby:

ORDERED, that Defendant Stephen P. Hanson ("Hanson") show cause before this Court at IAS Part 49 at the Courthouse located at 60 Centre Street, New York, New York, Room 252, on the 31 day of Oct at 2:30 o'clock in the p.m., or as soon thereafter as counsel may be heard, why an order should not be made and entered herein:

(i) Pursuant to C.P.L.R. § 6301, enjoining and restraining Hanson, during the pendency of this action, from the following actions in connection with his termination as President and CEO of B.R. Guest Parent Holdings, LLC ("BRG"):

- (a) entering the premises of BRG;
- (b) continuing to participate in the business of BRG or representing that he has the right or authority to participate in the business of BRG;
- (c) disparaging Starwood to BRG's employees;
- (d) causing BRG employees to resign;
- (e) removing or taking any business documents or information from BRG;
- (f) barring the Starwood Representatives or their agents from the premises or directing any employees of BRG to bar them from the premises; or
- (g) otherwise violating the terms of his Employment Agreement.

(h) *Status quo shall apply to plaintiff's representatives.*
(ii) For such other relief as this Court deems just and proper.

ORDERED, that pending the hearing ~~and determination~~ of Starwood's ~~motion for a~~ *order to show cause*

OPS
JSC
PETER SHERWOOD
~~preliminary injunction~~, Hanson is hereby enjoined and restrained from engaging in any of the actions listed in (a) - (i)(g) above; and it is further,

ORDERED that the Defendant show cause at I.A.S. Term, Part ____ of the Supreme Court of the State of New York, New York County, 60 Centre Street (Room ____), New York, New York on the ____ day of ____ 2013, at ____ o'clock on that day, why an Order should not be entered herein sealing the Complaint or selected portions thereof (including all of

its exhibits), the accompanying Memorandum of Law in Support, and the Affidavit of Daniel Yih dated October 30, 2013, pursuant to § 216.1 of the Uniform Rules for the New York State Trial courts, and for such other and further relief as this Court may seem just and proper, and it is further,

ORDERED, upon good cause ~~shown herein~~ ^{alleged}, that pending the hearing of this ~~Motion~~ ^{Order to show cause}, the County Clerk of New York County is directed to restrict the Court File to all parties, except parties to the action, their attorneys and Court Personnel, and it is further,

ORDERED, that ~~delivery by overnight mail or by personal delivery~~ of a copy of this Order, together with the papers upon which it is granted, upon Hanson's counsel, Howard W. Muchnick, attorney at the law firm of Muchnick, Golieb & Golieb, P.C., located at 200 Park Avenue South, Suite 1700, New York, New York 10003, on or before 6 p.m., Oct. 30, 2013, shall be deemed good and sufficient service; and it is further

ORDERED, that answering papers, if any, shall be served so as to be received by Kirkland & Ellis LLP, Attn: Ross L. Weiner, 601 Lexington Avenue, New York, New York, 10022 on or before _____, and it is further ORDERED, that reply papers, if any, shall be served so as to be received by Hanson's counsel no later than 5:00 p.m. on the date before the date scheduled for hearing the preliminary injunction motion.

ENTER,



J.S.C.

O. PETER SHERWOOD

**ORAL ARGUMENT
DIRECTED**
OPS
J.S.C.

OCT 30 2013