

<sup>AS</sup>  
At Part 7 of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse Thereof, located at 60 Centre Street, New York, New York, on the 18<sup>th</sup> day of July, 2017.

**HON. GERALD LBOVITS**

PRESENT: HON.

Justice of the Supreme Court

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MADONNA CICCONE, in both her individual capacity and as Trustee of the CICCONE 1989 TRUST, :  
:  
Plaintiff, :  
:  
-against- :  
:  
GOTTA HAVE IT! COLLECTIBLES, INC. d/b/a :  
GOTTA HAVE ROCK AND ROLL LLC, PETE :  
SIEGEL, DARLENE LUTZ, and JOHN DOEs #1- :  
200 (a fictitious name), :  
:  
Defendants. :  
----- X

**ORDER TO SHOW CAUSE IN A CIVIL ACTION FOR PRELIMINARY INJUNCTION WITH TEMPORARY RESTRAINING ORDER (T.R.O.) AND ORDER GRANTING EXPEDITED DISCOVERY**

Index. No: 156454 /2017

Motion Sequence No.

Upon reading and filing the Summons With Notice, filed the 18th day of July, 2017, and the annexed Affirmation of Madonna Ciccone, sworn to on July 18, 2017 (the "Ciccone Affirmation"), Affirmation of Sandra A. Crawshaw-Sparks Concerning Irreparable Harm, sworn to on July 18, 2017 (the "Crawshaw-Sparks Affirmation"), all the exhibits attached thereto, the accompanying memorandum of law, and all of the prior proceedings had herein, it is hereby:

1. ORDERED that the Defendants or their attorneys <sup>appear and</sup> show cause before this Court, to be held at the Courthouse located at 60 Centre Street, New York, New York, in Part 7 on the 6<sup>th</sup> day of Sept., 2017 at 9:15 o'clock in the Afternoon or as soon as the parties to this proceeding may be heard why an order should not be made pursuant to CPLR Article 63 granting Plaintiff a preliminary injunction prohibiting and enjoining defendants Gotta Have It! Collectibles, Inc. d/b/a Gotta Have Rock and Roll LLC, Pete Siegel (collectively, "GHRR") and Darlene Lutz (together with GHRR, "Defendants") and their respective affiliates, agents and alter egos from:

- (a) auctioning, selling, gifting, transferring, or otherwise disposing of, damaging or destroying any of the Madonna memorabilia currently identified as Lots #9, 10, 13, 14, 33, 37, 62, 65, 66, 78, 109-119, and 128 in the auction titled "The Rock & Roll Pop Culture Auction July 2017," (the "Auction") previewing online at <http://www.gottahaverockandroll.com/catalog.aspx> (the "Auction Website") and as more specifically set forth in Exhibits 3 through 14 to the Ciccone Affirmation;
- (b) participating, facilitating or otherwise engaging in the public or private display of the Madonna memorabilia currently identified as Lots #9, 10, 13, 14, 33, 65, 66, 78, and 128 in the Auction (*see* Exhibits 3-7, 10-12 and 14 to the Ciccone Affirmation); and
- (c) such other and further relief as may be just, proper and equitable.

IT IS FURTHER ORDERED that, pending the hearing of this motion, Defendants and their respective business affiliates, agents and alter egos are temporarily restrained, prohibited and enjoined from:

- (a) auctioning, selling, gifting, transferring, or otherwise disposing of, damaging or destroying any of the Madonna memorabilia currently identified as Lots #9, 10, 13, 14, 33, 37, 62, 65, 66, 78, 109-119, and 128 in the Auction previewing online at the Auction Website (*see* Exhibits 3-14 to the Ciccone Affirmation); and
- (b) participating, facilitating or otherwise engaging in the public or private display of the Madonna memorabilia currently identified as Lots #9, 10, 13, 14, 33, 65, 66, 78 and 128 in the Auction previewing online at the Auction Website (*see* Exhibits 3-7, 10-12 and 14 to the Ciccone Affirmation).

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this order, and the other papers upon which this order is granted, <sup>7</sup> *along with service of the summons and complaint* upon Defendants by personal delivery on or before the 19<sup>th</sup> day of July 2017, which service shall be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in paragraph 1 of this order.

HON. GERALD LEBOVITZ

S.S.C.  
HON. GERALD LEBOVITZ

4. IT IS FURTHER ORDERED that Defendants shall serve opposing papers, if any, upon Plaintiff's counsel, Proskauer Rose LLP, Eleven Times Square, New York, New York 10036 by *with A copy to the court* on or before the 16<sup>th</sup> day of Aug, 2017, which service shall be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in paragraph 1 of this order.

5. IT IS FURTHER ORDERED that:

- (a) Plaintiff shall serve upon Defendants a copy of the discovery attached as Exhibits A and B to the Crawshaw-Sparks Affirmation (the "Discovery Requests") by the time and in the same manner provided for in paragraph 3 of this order; and
- (b) Defendants shall serve upon Plaintiff responses to the Discovery Requests by the time and in the same manner provided for in paragraph 4 of this order.

*S.S.C.*  
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ORAL ARGUMENT REQUIRED.

ENTER

*[Signature]*  
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J.S.C.  
**HON. GERALD LEOVITS**

*[Signature]*  
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J.S.C.  
**HON. GERALD LEOVITS**

*7/18/17*