

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

In the matter of the Application of
DONTZIN NAGY & FLEISSIG LLP,

Petitioner,

For an Order Pursuant to Article 75 of the Civil
Practice Law and Rules to Confirm the Parties'
Arbitration Award,

- against -

PHILIP A. FALCONE and HARBINGER
CAPITAL PARTNERS OFFSHORE
MANAGER, L.L.C.,

Respondents.

Index No. 650535/2020

Motion Sequence 002

~~PROPOSED~~ RESTRAINING ORDER


WHEREAS this court has **ORDERED** the County Clerk to enter judgment in the above-captioned action in favor of Petitioner Dontzin Nagy & Fleissig, and to **CONFIRM** the arbitration award of Arbitrator Caroline Antonacci entitled "Corrected Final Award" dated January 20, 2020 (the "Award"), a copy of which is attached hereto, and **DENIED** Respondents Philip A. Falcone and Harbinger Capital Partners Offshore Manager L.L.C. ("Respondents") cross-petition to vacate, and

WHEREAS this court **GRANTED** Petitioner's on-the-record motion for an Order pursuant to CPLR 5229, the Court hereby:

1. **ORDERS** that Respondents Philip A. Falcone and Harbinger Capital Partners Offshore Manager LLC are hereby immediately **RESTRAINED** from moving, disposing, transferring, encumbering, and/or further encumbering any property or assets of any

type in either of their possession, custody, control and/or in which either is, in whole or in part, a beneficial owner, to the same extent and as provided by a restraining notice served pursuant to CPLR 5222.

As reflected in this Court's order resolving motion sequence 1 (Dkt. 54), this order and all documents filed after this order shall be unsealed and filed on the public docket. Docket numbers 1 through 51 shall be addressed per this Court's order on motion sequence 1 (Dkt. 54).

 3/4/2020

J.S.C.

HON. ARTHUR F. ENGORON