

At Part __ of the Supreme Court of the
State of New York in the County of
Ontario on the 11 day of
September, 2020

PRESENT HON. J. SCOTT ODORISI:

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AH WINES, INC/ GREAT COLISEUM, L.L.C.,
THE/ THE GREAT COLISEUM, L.L.C./ GREAT
COLISEUM, L.L.C. D/B/A AH WINES/ LODI
CITY WINERY/LODI WINE COMPANY/
WINERY DIRECT DISTRIBUTORS and JEFFREY
WAYNE HANSEN,

Index No. 127393-2020

**[PROPOSED] ORDER
GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Plaintiffs,

-against-

C6 CAPITAL FUNDING LLC,

Defendant.

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This Plenary Action having been commenced by Plaintiffs AH Wines Inc. ("AHI"), The Great Coliseum, L.L.C., Great Coliseum, L.L.C., *d/b/a* AH Wines, Lodi City Winery, Lodi Wine Company, Winery Direct Distributors (hereinafter, the "Business Plaintiffs"), and Jeffery Wayne Hansen, President and CEO of AHI ("Hansen"), and, together with AHI and the Business Plaintiffs, the "Plaintiffs") on July 2, 2020 seeking to vacate certain judgments entered in this Court on February 28, 2019 under Index No 123060/2019 and seeking to have said judgments declared void ab initio pursuant to N.Y. Gen. Oblig. Law §5-511 and now comes before this Court on July 9, 2020 by a motion brought by Order to Show Cause by Plaintiffs AH Wines Inc. ("AHI"), The Great Coliseum, L.L.C., Great Coliseum, L.L.C., *d/b/a* AH Wines, Lodi City Winery, Lodi Wine Company, Winery Direct Distributors (hereinafter, the "Business

Plaintiffs”), and Jeffery Wayne Hansen, President and CEO of AHI (“Hansen”, and, together with AHI and the Business Plaintiffs; the “Plaintiffs”), seeking a Temporary Restraining Order and Preliminary Injunction against C6 Capital Funding LLC (“Defendant”) which seeks to enjoin and restrain defendants C6 Funding Capital Funding LLC from taking any further action to enforce said judgments and, the Court having conducted a hearing on the aforementioned motion for a Temporary Restraining Order on July 13, 2020 and having granted the branch of the Motion seeking a Temporary Restraining Order and thereafter setting forth a briefing schedule for the branch of the motion seeking a Preliminary Injunction and having reviewed the papers filed in support thereof and in opposition to this branch of the motion seeking a Preliminary Injunction and the Court, having been fully advised, grants the Motion for a Preliminary Injunction, thereby enjoining Defendant from taking any further action to enforce the judgments entered in this Court on February 28, 2019 after finding that:

1. Plaintiffs have met its burden in establishing a likelihood of success on the merits as to whether the transaction at issue was a funding agreement or a prohibited usurious loan by demonstrating, among other things, that:

a) that the language of the purported reconciliation agreement was not mandatory but was permissive;

b) that AH Wines was bound by fixed weekly ACH debits until the full amount would be paid so the maturity date could be easily calculated;

c) that the Personal Guaranty and Confession of Judgment further ensured that C6 would receive payment;

2. Plaintiffs have demonstrated detailed immediate irreparable and imminent harm caused by Defendant's conduct, and that

3. The balancing of the equities weigh in favor of the plaintiffs based upon the fully briefed motion submitted on August 18, 2020.

Accordingly, Plaintiffs are entitled to preliminary injunctive relief, and the Court GRANTS Plaintiffs' motion as follows:

1. Upon finding that Plaintiffs have carried their burden of showing (a) a likelihood of success on the merits, (b) the possibility of irreparable and immediate injury, and (c) the balancing of the equities weighing in favor of the Plaintiffs, this Preliminary Injunction is GRANTED pursuant to CPLR 6301, and the inherent equitable powers of the Court.

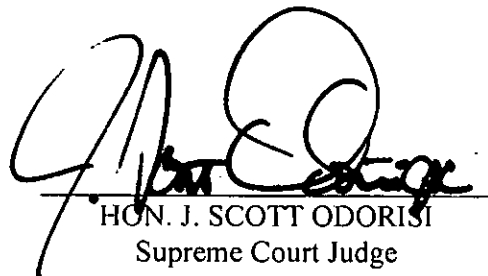
2. The Court hereby preliminarily RESTRAINS AND ENJOINS Defendant, its agents, servants, employees, attorneys, and all others in active concert or participation with Defendant, from taking any further action to enforce the Judgments entered in this Court on February 28, 2019 under Index No. 123060/2019 against each and any of the Plaintiffs herein.

3. This Preliminary Injunction shall take effect immediately and shall remain in effect pending trial and/or determination of the merits in this action or by further order of this Court.

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DATED this 11 day of September, 2020

ENTER:


HON. J. SCOTT ODORISI
Supreme Court Judge