

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 03M

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<p>KRUNCHCASH, LLC, KC PCRD LLC, JEFFREY          HACKMAN, SEAN MCGHIE PLC</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">- v -</p> <p>PURSUIT CREDIT SPECIAL OPPORTUNITY FUND, L.P.,          MITCHELL COHEN, J. SCOTT TURNER, YALE          FERGANG,</p> <p style="text-align: center;">Defendants.</p>	<p><b>INDEX NO.</b>            <u>656688/2021</u></p> <p><b>MOTION DATE</b>        <u>N/A</u></p> <p><b>MOTION SEQ. NO.</b>    <u>003</u></p> <p style="text-align: center;"><b>DECISION + ORDER ON          MOTION</b></p>
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HON. JOEL M. COHEN:

The following e-filed documents, listed by NYSCEF document number (Motion 003) 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 40, 42, 45, 46, 47, 48, 49, 51

were read on this motion to DISMISS AND CONSOLIDATE.

Upon the foregoing documents, and for the reasons stated on the record following oral argument on September 28, 2022, it is

**ORDERED** that Defendants' motion to dismiss is **granted**, and the First Amended Complaint is dismissed; it is further

**ORDERED** that KrunchCash's cross-motion to consolidate is **granted**, and the above-captioned action is consolidated in this Court with *Pursuit Credit Special Opportunity Fund, L.P. v. KrunchCash, LLC et al*, Index No. 651070/2022, pending in this Court; and it is further

**ORDERED** that the consolidation shall take place under Index No. 651070/2022 and the consolidated action shall bear the following caption:

PURSUIT CREDIT SPECIAL OPPORTUNITY FUND, L.P.,

Plaintiff,

- v -

KRUNCHCASH, LLC, KC PCRD FUND, LLC, JEFFREY  
HACKMAN, SEAN MCGHIE PLC

Defendants.

And it is further

**ORDERED** that the pleadings in the actions hereby consolidated shall stand as the pleadings in the consolidated action; and it is further

**ORDERED** that, within 30 days from entry of this order, movant shall serve a copy of this order with notice of entry on the Clerk of the Court (60 Centre Street, Room 141 B), who shall consolidate the documents in the actions hereby consolidated and shall mark his records to reflect the consolidation; and it is further

**ORDERED** that counsel for the movant shall contact the staff of the Clerk of the Court to arrange for the effectuation of the consolidation hereby directed; and it is further

**ORDERED** that service of this order upon the Clerk of the Court shall be made in hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)); and it is further

**ORDERED** that, as applicable and insofar as is practical, the Clerk of this Court shall file the documents being consolidated in the consolidated case file under the index number of the consolidated action in the New York State Courts Electronic Filing System or make appropriate

notations of such documents in the e-filing records of the court so as to ensure access to the documents in the consolidated action; and it is further

**ORDERED** that, within 30 days from entry of this order, movant shall serve a copy of this order with notice of entry on the Clerk of the General Clerk’s Office (60 Centre Street, Room 119), who is hereby directed to reflect the consolidation by appropriately marking the court’s records; and it is further

**ORDERED** that such service upon the Clerk of the General Clerk’s Office shall be made in hard-copy format if this action is a hard-copy matter or, if it is an e-filed case, shall be made in accordance with the procedures set forth in the aforesaid *Protocol*.

This constitutes the decision and order of the Court.

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JOEL M. COHEN, J.S.C.

9/28/2022

DATE

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE