

At Part 3 of the Supreme Court of the State of New York, County of New York, 60 Centre Street, New York, New York on the 21st day of November 2022

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

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PURSUIT CREDIT SPECIAL OPPORTUNITY FUND, L.P., :

Plaintiff, :

- against - :

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

Defendants. :

Index No. 651070/2022

**ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS**

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Upon the reading and filing the Affirmation of Renee Bea, Esq., with exhibits, dated November 20, 2022, the Affidavit of Scott Turner dated November 17, 2022, the supporting memorandum of law, dated November 20, 2022; and upon all prior papers and proceedings in this action and good cause having been alleged;

LET Defendants KRUNCHCASH, LLC, KC PCRD FUND, LLC, JEFFREY HACKMAN, and SEAN MCGHIE PLC, and their counsel Gabriel Berg of Robins Kaplan LLP, show cause before Justice Joel M. Cohen, Part 3, Room 208, of the courthouse of the Supreme Court of the State of New York, located at 60 Centre Street, on January 20, 2023 at 10:00 a.m. or as soon thereafter as counsel can be heard, why this Court should not enter an Order granting the following relief:

- (1) a Protective Order pursuant to CPLR § 3103 directing Defendants KRUNCHCASH, LLC, KC PCRD FUND, LLC, JEFFREY HACKMAN, and SEAN MCGHIE PLC, their attorney(s), and their agents and

representatives, and all persons acting or purporting to act on their behalf to certify within ten (10) days the immediate destruction and return of all documents and information obtained through the unauthorized access of Dropbox folders belonging to Plaintiff Pursuit Credit Special Opportunity Fund, LP or its investment manager, Pursuit Management, LLC, including copies and summaries thereof; and,

- (2) an Order granting Plaintiff's motion for sanctions, and awarding attorneys' fees and costs upon the submission of an affidavit submitted by Plaintiff's counsel in support thereof detailing costs associated with protecting the documents and in making this Order to Show Cause,

IT IS FURTHER ORDERED that, pursuant to CPLR § 6313 and § 3103, and with good cause having been **alleged** that immediate, irreparable injury, loss, or damage will result to Plaintiff unless a preliminary injunction and temporary restraint be imposed, that Defendants KRUNCHCASH, LLC, KC PCRD FUND, LLC, JEFFREY HACKMAN, and SEAN MCGHIE PLC, their attorney(s), and their agents and representatives, and all persons acting or purporting to act on their behalf with notice hereof, **are temporarily RESTRAINED and ENJOINED** from accessing or using any and all documents or information accessed and/or obtained through the access of Dropbox folders belonging to Plaintiff, Pursuit Credit Special Opportunity Fund, LP or its investment manager, Pursuit Management, LLC, pending the hearing of this motion, provided, however, that Defendants' counsel may use previously accessed non-privileged documents solely to the extent reasonably necessary to respond to this motion; and

~~IT IS FURTHER ORDERED that such documents, including any copies thereof, be immediately sequestered and maintained with a secure third party custodian at Defendants' expense, which shall not accessible to Defendants or their attorneys, pending the final determination of this proceeding; and,~~

Handwritten: J.S.C. [Signature]

~~IT IS FURTHER ORDERED that Defendants and their attorneys provide a sworn statement within three (3) business days of entry of this Order to Show Cause detailing the dates the Dropbox was accessed by Defendants, their attorneys, agents, representatives, and all persons acting or purporting to act on their behalf; the identity of persons who accessed the Dropbox; and the steps taken by Defendants' counsel to assess the scope and nature of the data contained in the Dropbox and notify Plaintiff's counsel of the Dropbox vulnerability and Defendants' access thereto.~~

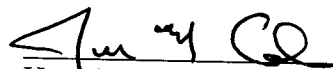
IT IS FURTHER ORDERED that the parties may complete limited discovery as discussed on the record on November 21, 2022;

IT IS FURTHER ORDERED that Defendants, and their attorneys shall serve any affidavits or other papers in opposition to this motion upon Plaintiff's attorneys by e-filing on NYSCEF on or before January 9, 2023;

IT IS FURTHER ORDERED that Plaintiffs shall serve any reply papers by filing on NYSCEF on or by January 16, 2023;

IT IS FURTHER ORDERED that Plaintiff shall serve Defendants by NYSCEF with a copy of this order and the papers upon which it is based, and that e-filing this order by Plaintiff in this action, and the papers upon which it is based, on or before November 28, 2023, shall be deemed good and sufficient service.

ENTER:


Hon. Joel M. Cohen, J.S.C.