

*Ex Parte motion*  
At ~~the~~ \_\_\_\_\_  
of the Supreme Court of the  
State of New York, 60 Centre  
Street, City and State of New  
York on the 24<sup>th</sup> day of  
July, 2014.

Present: **ARTHUR F. ENGORON**  
~~\_\_\_\_\_~~ **J.S.C.**

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

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In the Matter of an Inquiry by ERIC T. :  
SCHNEIDERMAN, Attorney General of the :  
State of New York, :  
 :  
Petitioner, :  
 :  
Pursuant to Article 23-A of the New York General :  
Business Law in regard to the acts and practices of :  
 :  
IAN BRUCE EICHNER, LESLIE H. EICHNER, :  
STUART P. EICHNER, SCOTT L. LAGER, :  
T. PARK CENTRAL LLC, O. PARK CENTRAL LLC, :  
PARK CENTRAL MANAGEMENT LLC, :  
MANHATTAN CLUB MARKETING GROUP LLC, :  
and NEW YORK URBAN OWNERSHIP :  
MANAGEMENT LLC, :  
 :  
Respondents, :  
 :  
in promoting the issuance, distribution, exchange, :  
advertisement, negotiation, purchase, investment advice :  
or sale of securities in or from New York State. :  
-----X

**ORDER PURSUANT TO  
GENERAL BUSINESS LAW  
§ 354**

**Index No.** *451536/14*

**Date Filed:**

Upon reading and filing the annexed affirmation of Serwat Farooq, Assistant Attorney General, dated July 23, 2014, with exhibits, and the accompanying affidavit of Sylvia Rivera, Investigator, sworn to July 23, 2014, with exhibits, and the accompanying memorandum of law, dated July 23, 2014; and upon the application of ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, for an order pursuant to General Business Law ("GBL") § 354;

**IT BEING SHOWN** that the New York Attorney General has determined to commence

an action under Article 23-A of the GBL against the above-captioned Respondents and that certain Respondents' testimony, and production of certain books and records is material and necessary to the Attorney General's investigation; and

**IT BEING SHOWN** therefrom that it is this Court's duty to grant the Attorney General's application for an order, pursuant to GBL § 354, directing the persons mentioned in the application to appear before the Justice of the Supreme Court or referee designated in such order and answer such questions as may be put to them or to any of them, or to produce such papers, documents and books; it is hereby

**ORDERED** that "document" is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced or stored (manually, mechanically, electronically or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, electronic mail (e-mail), instant messages, text messages, Blackberry or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, registers, analyses, plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes or records or transcriptions of conversations or Communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices and summaries; that any non-identical version of a document constitutes a separate document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, or any other alteration of any kind resulting in any difference between two or more otherwise identical documents; and

that in the case of documents bearing any notation or other marking made by highlighting ink, the term document means the original version bearing the highlighting ink; and it is

**ORDERED** that Respondents T. Park Central LLC, O. Park Central LLC, Park Central Management LLC, Manhattan Club Marketing Group LLC and New York Urban Ownership Management LLC, by their respective Custodians of Records, each appear before the Honorable

Steven E. Lironi Justice of the Supreme Court, or any other Justice or Referee of this Court as at Part 86 may be directed, in Room 641, at the courthouse located at 60 Centre Street, New York,

New York, or at any other place as this Court may direct, as follows: on the 1<sup>st</sup> day of August, 2014, at 10 a.m./~~p.m.~~, and on any adjourned date and time thereafter, to testify under

oath, and answer such questions as may be put to them by the New York Attorney General or a designated Assistant Attorney General, concerning the authenticity or location of certain documents; and to turn over originals, wherever located, whether in their possession or control, or if the originals are unavailable, copies of:

- (i) All minutes of all meetings by, between or among each Respondent, its members and principals, for the past six years;
- (ii) All of the Respondent's corporate and/or business statements, balance sheets, cash flow statements, income statements, and accountant statements, for the past six years;
- (iii) Documents sufficient to show the Respondent's monetary or other payments, tangible or intangible, including salaries, commissions, bonuses and options, to officers, directors, owners, principals, salespersons, employees, independent contractors and/or agents, for the past six years;
- (iv) All sales scripts or other promotional or solicitation scripts, training materials, and directives/memoranda to staff, agents, independent contractors or others acting on Respondent's behalf, relating to the offering, promotion, and sales of interests in the Manhattan Club, including, but not limited to recordings, videos, internet web site documents and materials, and/or similar documents, for the past six years;
- (v) All of the Daily Business Consolidated Summary Reports, such as that referred to in the letter of Allan Starr, Esq., dated April 22, 2014, submitted to the Attorney

General in connection with the proposed 89th amendment to the offering plan for the Manhattan Club, for every day of the past two years;

- (vi) All of the reports entitled "Affiliate Year End Review" of Resorts Condominiums International, Inc., such as that referred to in the letter of Allan Starr, Esq., dated April 22, 2014, submitted to the Attorney General in connection with the proposed 89th amendment to the offering plan for the Manhattan Club, for each of the past six years;
- (vii) Documents sufficient to show all transfers of title to fractional ownership interests in units in the Manhattan Club involving any Respondent or the Manhattan Club Timeshare Association, Inc. as the grantor or grantee, and the real estate transfer taxes paid for each transaction;
- (viii) All agreements between a Respondent and a financial institution establishing the terms of a hypothecation loan;
- (ix) Documents sufficient to identify each employee, agent or officer of a Respondent who participated in or has knowledge of the marketing, offer, sale, or renovation of the Manhattan Club, as well as each individual's title, duties, responsibilities, and source of knowledge;
- (x) Documents sufficient to identify all of the individuals who are involved in the day-to-day affairs of the Manhattan Club including all part- and full-time employees, who are referred to in the eighth restated plan for the Manhattan Club in connection with its labor costs or the management fee, including each individual's name, title, duties and responsibilities;
- (xi) Documents sufficient to identify the individuals and entities who currently hold title to a fractional ownership interest in a unit in the Manhattan Club, the corresponding unit number, and type of interest;
- (xii) Documents sufficient to identify the Manhattan Club rooms within which Bluegreen Vacations Unlimited, Inc. owns any ownership interests, and to identify the percentage of Manhattan Club rooms being occupied by members of Bluegreen's Vacation Club;
- (xiii) All other documents that may be requested by the Attorney General or a designated Assistant Attorney General during the course of this investigation; and it is further

**ORDERED** that Respondent Ian Bruce Eichner appear before ~~the Honorable~~

Steven E. Liebman, ~~Justice of the Supreme Court, or any other Justice or Referee of~~  
at Part 86  
this Court as may be directed/ in Room 641, at the courthouse located at 60 Centre

Street, New York, New York, or at any other place as this Court may direct, as follows: on the 1<sup>ST</sup> of August, 2014, at 10:00 a.m./p.m., and on any adjourned date and time thereafter, to testify under oath, and answer such questions as may be put to them by the Attorney General or a designated Assistant Attorney General; and it is further

**ORDERED** that Respondent Leslie H. Eichner appear before ~~the Honorable~~ Steven E. Liebman, Justice of the ~~Supreme Court~~, or any other Justice or Referee of this Court as may be directed, at Part 86 in Room 641, at the courthouse located at 60 Centre

Street, New York, New York, or at any other place as this Court may direct, as follows: on the 1<sup>ST</sup> of August, 2014, at 10 a.m./p.m., and on any adjourned date and time thereafter, to testify under oath, and answer such questions as may be put to them by the Attorney General or a designated Assistant Attorney General; and it is further

**ORDERED** that Respondent Stuart P. Eichner appear before ~~the Honorable~~ Steven E. Liebman, Justice of the ~~Supreme Court~~, or any other Justice or Referee of this Court as may be directed, at Part 86 in Room 641, at the courthouse located at 60 Centre

Street, New York, New York, or at any other place as this Court may direct, as follows: on the 1<sup>ST</sup> of August, 2014, at 11:00 a.m./p.m., and on any adjourned date and time thereafter, to testify under oath, and answer such questions as may be put to them by the New York Attorney General or a designated Assistant Attorney General; and it is further

**ORDERED** that Respondent Scott L. Lager appear before ~~the Honorable~~ Steven E. Liebman, Justice of the ~~Supreme Court~~, or any other Justice or Referee of this Court as may be directed, in Room 641, at the courthouse located in Part 86 at 60 Centre

Street, New York, New York, or at any other place as this Court may direct, as follows: on the 1<sup>ST</sup> of August, 2014, at 11:00 a.m./p.m., and on any adjourned date and time thereafter,

to testify under oath, and answer such questions as may be put to them by the Attorney General or a designated Assistant Attorney General.

**AND IT FURTHER APPEARING** by the Affirmation of Assistant Attorney General Serwat Farooq, with exhibits, the Affidavit of Sylvia Rivera and the Memorandum of Law that it is expedient and proper to grant certain preliminary injunctive relief against Respondents, pursuant to General Business Law § 354, because the alleged fraudulent practices threaten continued and immediate injury to the purchasing public, and that the potential dissipation of Respondents' assets would render a judgment directing restitution ineffectual; it is

**ORDERED** that all Respondents, their agents and employees are hereby preliminarily restrained from violating Article 23-A of the GBL, and from engaging in the fraudulent, deceptive and illegal acts alleged herein; and it is further

**ORDERED** that all Respondents, and their agents and employees, including the Manhattan Club Timeshare Association, Inc., are hereby preliminarily restrained from engaging in any act directly or indirectly relating to the offer, purchase, sale, issuance, advertisement, marketing, promotion, distribution, negotiation, exchange or transfer of ownership interests in the Manhattan Club in or from New York State, except that within two business days after service of this Order, Respondents T. Park Central LLC and O. Park Central LLC shall submit the documents that are legally required to withdraw the proposed 89th amendment to the offering plan for the Manhattan Club from the Attorney General; and it is further

**ORDERED** that Respondents, their principals and agents, including the Manhattan Club Timeshare Association, Inc., are hereby preliminary restrained from commencing any new foreclosure proceedings against Manhattan Club owners for delinquent common charges or for failure to comply with their obligations pursuant to any purchase money mortgage, note,

assignment or allonge arranged or offered by a Respondent when the Manhattan Club owners financed their purchases of ownership interests in the Manhattan Club; and it is further

**ORDERED** that all Respondents, their principals and agents are preliminarily restrained from making further withdrawals from any account in the name of Respondents T. Park Central, LLC, O. Park Central LLC, Park Central Management LLC or Manhattan Club Marketing Group LLC at any bank, savings and loan association or other financial depository located inside or outside New York;

**ORDERED** that service by <sup>Personal</sup> delivery and leaving with each Respondent a certified copy of this Order together with the papers upon which it was granted, on or before the July 29<sup>th</sup> of July, 2014, be deemed sufficient service thereof.

ENTER:



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ARTHUR F. ENGORON  
J.S.C.  
J.S.C.