

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

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SMART WIN INTERNATIONAL LIMITED, :

Plaintiff, :

Index No. 651479/10

- against - :

EMPIRE ENERGY CORPORATION :

INTERNATIONAL and MALCOMN BENDALL, :

Defendants. :

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**DEFENDANTS' NOTICE OF MOTION TO COMPEL  
AND TO CONDITIONALLY STRIKE PLAINTIFF'S COMPLAINT**

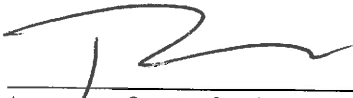
PLEASE TAKE NOTICE that, upon the annexed affirmation of Paul Batista dated April 30, 2013, together with the exhibits annexed to that affirmation, the accompanying legal memorandum, and upon all prior papers and proceedings in this action, defendants Empire Energy Corporation International and Malcolm Bendall, by and through their attorney, Paul Batista, P.C., will move this Court, at the IAS Motion Support Office, Room 130, at the Courthouse, 60 Centre Street, New York, New York 10007, on May 30, 2013 at 9:30 A.M., or as soon thereafter as counsel can be heard, for orders:

- Pursuant to CPLR 3126, compelling plaintiff Smart Win International LLC to produce witnesses for depositions in New York County;
- Pursuant to CPLR 3126, conditionally striking plaintiff's Complaint and its Reply to defendants' counterclaims; and
- Granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering papers, if any, are to be served no later than seven (7) days before the return date.

Dated: New York, New York  
April 30, 2013

PAUL BATISTA, P.C.

By: 

Attorney for Defendants  
Empire Energy Corporation International  
and Malcolm Bendall  
26 Broadway, Suite 1900  
New York, New York 10004  
(646) 863-2070 – T  
(212) 344-7677 – F  
batista007@aol.com

TO: STEWART OCCHIPINTI LLP  
65 West 36<sup>th</sup> Street  
New York, New York 10018  
(212) 239-5500 (T)  
(212) 239-7030 (F)

CLERK OF THE COURT