

At IAS Part ____ of the Supreme Court of the State of New York, held In and for the County of New York, At the courthouse located at 60 Centre Street, New York, New York 10007, on the ____ day of March 2014.

P R E S E N T

Hon _____
J.S.C.

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

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NANOVIRICIDES, INC.,

Petitioner,

-against-

SEEKING ALPHA, INC.,

Respondent

:
:
: **ORDER TO SHOW CAUSE**
: **IN LIEU OF NOTICE OF**
: **PETITION**
:
:
:

of the identity of a prospective defendant, or identities of prospective defendants in an action to be commenced by Petitioner, and who is or are presently referable by Petitioner only as "Pump Terminator".

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In lieu of a Notice of Petition pursuant to Civil Practice Laws and Rules (CPLR) §403(d), **UPON** the reading and filing of the Affirmation of Gerard Schiano-Strain, Esq., dated March 4, 2014, the Affidavit of Dr. Anil R. Diwan, the Petition for Pre-Action Disclosure and the exhibits annexed thereto, and all other papers and proceedings heretofore had herein, it is:

ORDERED that Respondent show cause at the Supreme Court of the State of New York, in Room ____ at the courthouse located at 60 Centre Street, Room _____, New York, New York, 10007, on the ____ day of March, 2014 at _____, or as soon thereafter as counsel can be heard why an order should not be made, pursuant to CPLR §3102(c), compelling pre-action disclosure by Seeking Alpha, Inc. of the identity or identities including, but not limited to the

name, address, telephone number and email of the person or persons who posted an article, under the pseudonym “Pump Terminator,” at the URL <http://seekingalpha.com/article/2010691-nanoviricides-house-of-cards-with-minus-80-percent-downside-strong-sell-recommendation> which was posted under the umbrella of Seeking Alpha, Inc. on the ground that without said disclosure, a summons and complaint cannot be served upon the person identified as the “Pump Terminator,” and such other relief as the court deems just and proper (including motion costs);

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, it is further:

ORDERED that service of a copy of this Order to Show Cause, and all supporting papers upon which it is based, be made upon Seeking Alpha, Inc. via overnight courier to: Seeking Alpha, Inc., 345 7th Avenue, New York, New York, 10001 on or before March ____, 2014, shall be deemed good and sufficient service.

Dated: March ____, 2014
New York, NY

Enter,

J.S.C.