

Law Offices of Mitchell Cantor

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June 24, 2019

BY ELECTRONIC FILING

Hon. Joel M. Cohen
Justice of the Supreme Court
State of New York, County of New York
60 Centre Street, Courtroom 222
New York, NY 10007

Re: Eros International v. Mangrove Partners, Asensio et al, Index No. 653096/2017

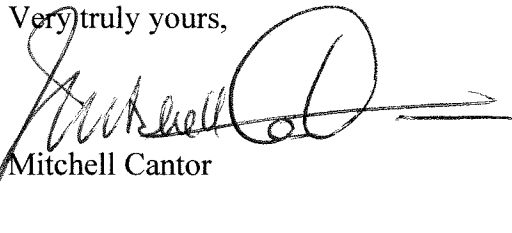
Dear Justice Cohen:

Kindly notice the attached letter request dated April 12, 2019 that Your Honor issue an order instructing the Clerk of the Court to removing/striking Asensio & Co. Inc. and Mill Rock Advisors, Inc these entities from the caption in the above referenced litigation. [Exhibit 1]

As you are aware, this office represents defendant Manuel P. Asensio in the above captioned matter. Asensio & Company Inc. and Mill Rock Advisors, Inc. were both also named as defendants. Both Asensio & Co. Inc. and Mill Rock Advisors, Inc., which were Delaware corporations, were dissolved prior to the commencement of the present action. Asensio & Co., Inc. was dissolved on April 16, 2015 and that Mill Rock Advisors, Inc. was dissolved on December 27, 2011. The representation that these entities were served is false. [Exhibit 2] Consequently, purported service on both entities is a nullity.

I respectfully again request an order striking/removing Asensio & Co. Inc. and Mill Rock Advisors, Inc. from said caption. Your Honor's prompt attention to this matter is deeply appreciated. If you have any further questions, please do not hesitate to contact me.

Very truly yours,



Mitchell Cantor

Cc: Stephen Tountas, Esq.

EXHIBIT 1

Law Offices of Mitchell Cantor

355 Lexington Avenue, Suite 401
New York, New York 10017
Telephone: (212) 679-7820
Email: mc@mcantorlawoffice.com

April 12, 2019

BY ELECTRONIC FILING

Hon. Joel M. Cohen
Justice of the Supreme Court
State of New York, County of New York
60 Centre Street, Courtroom 222
New York, NY 10007

Re: Eros International v. Mangrove Partners, Asensio et al, Index No. 653096/2017

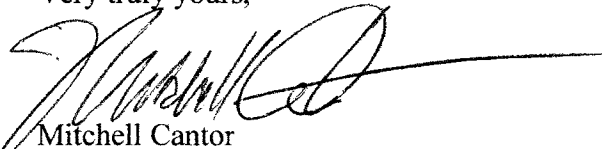
Dear Justice Cohen:

As you are aware, this office represents defendants Manuel P. Asensio, Asensio & Company Inc. and Mill Rock Advisors, Inc. Asensio & Company Inc. and Mill Rock Advisors, Inc. have been liquidated and dissolved prior to the commencement of this action. Consequently this action is a nullity as to those two entities and I respectfully request that this Court direct the Clerk of this Court to amend the caption to delete them.

Otherwise, the Motion of Manuel P. Asensio, Asensio & Company, Inc. and Mill Rock Advisors, Inc. pursuant to CPLR Sections 5015 and 3103(a) to vacate the Order of the Hon. Eileen Brandsten and for other relief, identified by the Court as Motion Number 16, is withdrawn.

If you have any further questions please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mitchell Cantor', with a long horizontal line extending to the right.

Mitchell Cantor

Cc: Stephen Tountas, Esq.

EXHIBIT 2

AFFIDAVIT OF SERVICE

State of New York

County of New York

Supreme Court

Index Number: 653096/2017
Date Filed: 6/6/2017

Plaintiff:
Eros International PLC

vs.

Defendant:
Mangrove Partners, Nathaniel H. August, et al.

State of New York, County of Albany)ss.:

For:
Kasowitz Benson Torres LLP
1633 Broadway
New York, NY 10019

Received these papers to be served on **Asensio & Company, Inc.**


I, James Boland, being duly sworn, depose and say that on the **2nd day of October, 2017 at 3:10 pm, I:**

Served Asensio & Company, Inc. by delivering two true copies of the **Notice of Commencement of Action Subject to Mandatory Electronic Filing, Summons with Notice, Supplemental Summons and Complaint pursuant to section 306 BCL together with statutory service fee in the amount of \$40.00** to Nancy Dougherty as Business Document Specialist of The New York State Department of State, 99 Washington Avenue, Albany, NY, 12207, the New York State Department of State being the **Registered Agent** of record of the within named corporation, in compliance with state statutes.

Said documents were conformed with index number and date of filing was endorsed thereon.

Description of Person Served: Age: 59, Sex: F, Race/Skin Color: White, Height: 5'4", Weight: 150, Hair: Brown, Glasses: Y

I am over the age of 18 and have no interest in the above action.



James Boland
Process Server

Subscribed and Sworn to before me on the 11th day of October, 2017 by the affiant who is personally known to me.

NOTARY PUBLIC
PATRICIA A. BURKE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BU4922372
Qualified in Albany County
My Commission Expires February 28, 2018

Our Job Serial Number: 2017002408

AFFIDAVIT OF SERVICE

State of New York

County of New York

Supreme Court

Index Number: 653096/2017
Date Filed: 6/6/2017

Plaintiff:
Eros International PLC

vs.

Defendant:
Mangrove Partners, Nathaniel H. August, et al.

State of New York, County of Albany)ss.:

For:
Kasowitz Benson Torres LLP
1633 Broadway
New York, NY 10019

Received these papers to be served on **Mill Rock Advisors, Inc.**


I, James Boland, being duly sworn, depose and say that on the **2nd day of October, 2017 at 3:10 pm, I:**

Served Mill Rock Advisors, Inc. by delivering two true copies of the **Notice of Commencement of Action Subject to Mandatory Electronic Filing, Summons with Notice, Supplemental Summons and Complaint pursuant to section 306 BCL together with statutory service fee in the amount of \$40.00** to Nancy Dougherty as Business Document Specialist of The New York State Department of State, 99 Washington Avenue, Albany, NY, 12207, the New York State Department of State being the **Registered Agent** of record of the within named corporation, in compliance with state statutes.

Said documents were conformed with index number and date of filing was endorsed thereon.

Description of Person Served: Age: 59, Sex: F, Race/Skin Color: White, Height: 5'4", Weight: 150, Hair: Brown, Glasses: Y

I am over the age of 18 and have no interest in the above action.



James Boland
Process Server

Subscribed and Sworn to before me on the 11th day of October, 2017 by the affiant who is personally known to me.

NOTARY PUBLIC

Our Job Serial Number: 2017002409

PATRICIA A. BURKE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BU4922372

Qualified in Albany County
My Commission Expires February 28, 2018