

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

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EROS INTERNATIONAL PLC, :

Plaintiff, :

-against- :

MANGROVE PARTNERS, NATHANIEL H. :

AUGUST, KNIGHT ASSETS & CO., LLP, :

AKSHAY S. NAHETA, MANUEL P. ASENSIO, :

ASENSIO & COMPANY, INC., MILL ROCK :

ADVISORS, INC., GEOINVESTING, LLC, :

CHRISTOPHER IRONS, DANIEL E. DAVID, FG :

ALPHA MANAGEMENT, LLC, FG ALPHA :

ADVISORS, FG ALPHA, L.P., CLARITYSPRING :

INC., CLARITYSPRING SECURITIES LLC, :

NATHAN Z. ANDERSON AND JOHN DOES :

NOS. 1-30, :

Defendants. :

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Index No. 653096/2017
Hon. Joel M. Cohen

**AFFIDAVIT OF RICHARD LAROSA IN SUPPORT OF
EROS' MEMORANDUM OF LAW IN ADVANCE OF THE
TRAVERSE HEARING, AND IN SUPPORT OF ITS MOTION FOR DEFAULT**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

RICHARD LAROSA, being duly sworn, deposes and says:

1. I am Managing Clerk at Kasowitz Benson Torres LLP. I have personal knowledge of the facts set forth herein. I submit this affidavit in support of Eros' Memorandum Of Law In Advance Of The Traverse Hearing, And In Support Of Its Motion For Default.

2. On Friday, September 29, 2017 at 7:18 p.m., Eros' process server made his first attempt to serve Mr. Asensio in person at his doorman apartment residence at 400 East 54th St., Apt. 29B, New York, New York 10022. The process server was unable to reach Asensio. *See*

Exhibit A attached hereto, a true and correct copy of the Affidavit of Service signed on October 4, 2017, which was also filed in this action at Dkt. Nos. 20 and 101; *see also* **Exhibit B** attached hereto, a true and correct redacted copy of emails between Eros case team members regarding service of Asensio, dated September 29, 2017 to October 2, 2017 and bearing reference numbers 20190413-00000023-1 through 20190413-00000023-2.

3. As a result, the process server attempted to serve Asensio in person at his residence a second time on Saturday, September 30, 2017 at 8:45 am. Again, he was unable to reach Asensio at his residence. *Id.*

4. The process server returned to Asensio's residence that same evening and attempted to serve Asensio in person at his residence a third time on Saturday, September 30, at 5:15 p.m. Again, he was unable to reach Asensio at his residence. *Id.*

5. Because service of process is not allowed on a Sunday, the process server returned to Asensio's residence and attempted in person service a fourth time on Monday, October 2, 2017 at 10:30 a.m. Again, he was unable to reach Asensio at his residence. *Id.*

6. The process server returned to Asensio's residence that evening, and attempted to serve him in person a fifth time on Monday, October 2, 2017 at 6:17 p.m. *Id.*

7. After failing to reach Asensio during that fifth attempt, the process server affixed a full set of pleadings – *i.e.*, the summons with notice, supplemental summons, complaint and notice of commencement – to the door of Asensio's residence at 400 East 54th Street, Apt. 29B. *Id.*

8. Moreover, and out of an abundance of caution, the process returned to Asensio's residence on Tuesday, October 3, 2018 and attempted to serve Asensio a sixth time. *See* **Exhibit C** attached hereto, a true and correct copy of an Affidavit of Service signed on October 4, 2017,

which was also filed in this action at Dkt. Nos. 19 and 102; *see also* **Exhibit D** attached hereto, a true and correct redacted copy of emails between Eros case team members regarding service of Asensio, dated October 2, 2017 to October 3, 2017 and bearing reference numbers 20190413-00000138-1 through 20190413-00000138-4.

9. The doorman, however, denied the process server access to Asensio's apartment door. *Id.*; *see also* **Exhibit E** attached hereto, a true and correct copy of an email between Eros case team members on Tuesday, October 3, 2017 at 4:09 pm, and bearing reference numbers 20190412-00000017-1 through 20190412-00000017-2.

10. After he was denied access, the process server left a full set of pleadings with Asensio's concierge on October 3, 2018 at 12:56 p.m. *Id.*

11. On October 4, 2017, the process server sent a full set of pleadings by First Class Mail to Asensio at 400 East 54th Street, Apt. 29B, New York, New York 10022. *See* Exhibits A & C; *see also* **Exhibit F** attached hereto, a true and correct redacted copy of emails I received on October 4, 2017 at 2:15 pm, and bearing reference number 20190412-00000075-1 through 20190412-00000075-4.


12. Kasowitz last worked with Mr. Guskin on or around April 10, 2018

Dated: New York, New York
June 6, 2019

By:


Richard LaRosa

Sworn to before me on the 6th day of June 2019.



Anthony M. Caputo Jr.

ANTHONY M. CAPUTO JR.
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CA6327921
Qualified in New York County
My Commission Expires July 20, 2019