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February 4, 2021

**VIA E-MAIL (MKAGAN@NYCOURTS.GOV)**

The Honorable Leon Ruchelsman  
Supreme Court, Kings County  
360 Adams Street  
Brooklyn, NY 11201

**Re: Evergreen Gardens I LLC et al v. MREF REIT Lender 9 LLC, No. 502742/2021 (Kings Cnty. Sup. Ct.)**

Dear Justice Ruchelsman:

We represent Defendant MREF REIT Lender 9 LLC (“Mezzanine Lender”) and write concerning the parties’ February 4, 2021 hearing regarding Plaintiffs Yoel Goldman and Evergreen Gardens I LLC’s (“Plaintiffs”) Emergency Order to Show Cause.

During the hearing, the Court informed the parties that if Plaintiffs paid \$3.5 million to Mezzanine Lender by 5:30 PM on February 4, 2021, the sale would not be allowed to proceed as scheduled. Plaintiffs were also ordered to make an additional \$4 million payment to Mezzanine Lender next week. If Plaintiffs failed to timely make the \$3.5 million payment, Mezzanine Lender should promptly inform the Court on an emergency basis.

As of 8:00 PM on February 4, 2021, Mezzanine Lender has received no funds from Plaintiffs. I have attached screenshots from the Mezzanine Lender bank account that reflect no activity in that account as of 8:00 PM. *See Exhibit A.* I have requested payment confirmation and identifying information from Plaintiffs’ counsel, but no confirmation or information has been supplied. *See Exhibit B.* Plaintiffs have indicated they intend to appeal to the Second Department on the morning of February 5, but no appeal has been filed as of now.

Mezzanine Lender therefore respectfully requests that the Court deny or vacate any TRO, deny the Order to Show Cause and deny any request for injunctive relief.



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Respectfully submitted,

/s/ Brian D. Hail

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*Counsel for Defendant MREF REIT Lender 9 LLC*

CC: Counsel of Record