

FILED: NEW YORK COUNTY CLERK 03/29/2018 02:41 PM

NYSCEF DOC. NO. 229

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

THE RELATED COMPANIES, L.P.,

Plaintiff,

-against-

TESLA WALL SYSTEMS, LLC,

Defendant.

No. 650778/2015

Hon. Barry R. Ostrager

FINAL JUDGMENT

On April 17, 2017, this Court issued a Decision and Order (Dkt. Nos. 198 and 199) ("Decision and Order") granting in part the cross-motions for summary judgment of Plaintiff The Related Companies, L.P. ("Related") and Defendant Tesla Wall Systems, LLC ("Tesla"). The Decision and Order identified as the sole issue for trial the amount of Tesla's offset for legal fees and costs that Tesla must repay out of cash available to Tesla prior to repaying Related (the "Offset"). The Court subsequently issued a series of orders related to, *inter alia*, the trial of the Offset. (See Dkt. Nos. 207 (so ordered transcript of April 27, 2017 hearing), 214 (so ordered transcript of May 25, 2017 hearing), 216 (so ordered transcript of May 22, 2017 hearing).)

Pursuant to the terms set out in the transcript of the hearing held May 25, 2017, which transcript was so ordered by this Court and entered in the Office of the New York County Clerk on May 31, 2017 (Dkt. No. 214), IT IS HEREBY ADJUDGED AND DECREED AS FOLLOWS:

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1. Related is awarded and does recover from Tesla the sum of \$15,001,363.82, with interest of 9% per annum running from March 17, 2017, until the total amount of this judgment is satisfied (the "Judgment");

2. Satisfaction of the Judgment is subject to the prior payment by Tesla of Offsets not less than its unpaid legal fees and costs accrued as of April 26, 2017, in the amount of \$2,353,323.47, as well as other liabilities related to legal fees and costs in amounts to be determined;

3. Execution of the Judgment is stayed until further order of the Court;

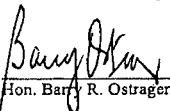
4. Appeal from this Final Judgment shall bring up for review all other matters permissible under CPLR 5105, including but not limited to the Summary Judgment Decision and Order and the Court's subsequent orders regarding trial and discovery;

5. Tesla has preserved for appeal all pre- and post-trial objections, including objections to the decisions and orders regarding Related's right to repayment and to the trial of Tesla's Offset, as well as motions for directed verdict pursuant to CPLR 4401 and for a new trial pursuant to CPLR 4402 *et seq.*;

6. Related has preserved all pre- and post-trial objections, including objections to Tesla's position and evidence regarding the Offset, the amount of the Offset, and Tesla's position regarding any future liabilities related to legal fees and costs; and

7. This Court retains jurisdiction over post-judgment discovery in aid of enforcement of this Final Judgment as well as over any other post-appeal proceedings.

8. The Clerk is directed to enter judgment accordingly.


Hon. Barry R. Ostrager

BARRY R. OSTRAGER
JSC

① The Related Companies, L.P.,
60 Columbus Circle, 19TH FL
NY NY 10023

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Judgment

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3-29-18

Judgment vacated and reversed pursuant to Appellate

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