



5. Shortly thereafter, Rosewood Enterprises, Inc. took possession of the Premises and resumed operating a nightclub at the Subject Property under the ownership of C&V Investments LLC and Joseph Cacciatore.

6. On or about December 7, 2007, the U.S. Commodity Futures Trading Commission ("CFTC"), Joseph Cacciatore and C&V Investments LLC entered into a Consent Order disposing of the CFTC's Motion for Contempt against Joseph Cacciatore and C&V Investments LLC. In connection with the Consent Order, C&V Investments LLC paid the sum of \$130,000 to the account of Tsunami Express LLC, which funds were to remain frozen until further order of Court. Additionally, C&V Investments LLC represented and warranted that all obligations incurred from and after July 6, 2007 to the date of this Consent Order have been or will be paid by C&V Investments LLC.

7. To date, no payments have been paid by Joseph Cacciatore or C&V Investments LLC.

8. On November 10, 2008, Anastos filed a Motion to enforce the December 7, 2007 Consent Order.

9. On December 10, 2008, this Court entered an Order giving C&V Investments LLC and Joseph Cacciatore leave to file a response to Anastos' Objection on or before December 23, 2008.

10. Neither C&V Investments LLC nor Joseph Cacciatore filed a response.

11. On January 9, 2009, this Court directed Anastos to file this Motion for Entry of Judgment.

11. Anastos is entitled to entry of a judgment in the amount of \$170,617.54, which represents:

a. Rent for December, 2007 in the amount of \$15,729.82

- b. Unpaid invoices in the amount of \$15,591.20
- c. Attorneys fees of \$39,296.52
- d. \$100,000 in costs to reassemble the elevator shaft.

12. None of these costs would have been incurred by Anastos but for C&V Investments, LLC's and Joseph Cacciatore's desire to continue operating Reserve following the abandonment by Anthony A. Demasi. The Affidavit of Anastos in support of this Motion for Entry of Judgment is attached hereto and incorporated herein as Exhibit A.

WHEREFORE, James Anastos requests that this Court enter an order of Judgment in the amount of \$170,617.54 against Joseph Cacciatore and C&V Investments LLC, jointly and severally, pursuant to the terms of the Consent Order.

JAMES ANASTOS

By: s/ J. Samuel Tenenbaum

One of his attorneys

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