

JPMorgan Chase Bank, N.A. v Motorola, Inc.

2005 NY Slip Op 30145(U)

September 19, 2005

Supreme Court, New York County

Docket Number: 0108221/2005

Judge: Sheila Abdus-Salaam

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PRESENT
HON STEILA ABAS SALAAM
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK JUSTICE

AT I.A.S. PART 13 OF THE
SUPREME COURT OF THE STATE OF NEW
YORK, HELD IN AND FOR THE COUNTY OF
NEW YORK, AT THE COUNTY COURT
HOUSE THEREOF, ON September 19, 2005

JPMORGAN CHASE BANK, N.A.,
as Collateral Agent,

Index No. 05-108221

Petitioner,

I.A.S. Part no. 13
JUDGMENT

v.

MOTOROLA, INC.

Respondent.

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141B).

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Petitioner, JPMorgan Chase Bank, N.A., as Collateral Agent ("Chase"), a judgment creditor of Iridium India Telecom Ltd. ("Iridium India") as a result of a judgment entered by the United States District Court for the District of Delaware (the "Judgment"), having commenced this special proceeding by Order to Show Cause dated June 14, 2005, seeking to garnish funds that are or will be in the possession of Motorola, Inc. ("Motorola"), in the event that Motorola shall become obligated, by judgment or otherwise, to pay Iridium India as a result of a certain action pending in the High Court of Judicature in Bombay, India, Civil Suit No. 3092, and having submitted in support thereof a Petition and Affidavit of Robert A. Scher; and Motorola having submitted an Objection and Response and accompanying Affidavit of Matthew O. Solum dated July 12, 2005; and Iridium India having appeared and submitted a Memorandum of Law in Opposition and accompanying Affidavit of Nitin Lokhande dated July 12, 2005; and Chase having thereafter submitted a Reply and accompanying Affidavit of Robert A. Scher dated August 1, 2005; and Motorola having thereafter submitted a Supplemental Affidavit of Nader R. Boulos dated August 3, 2005;

And the matter having come on for argument and having been argued before Justice Sheila Abdus-Salaam in IAS Term, Part 13, of the Supreme Court, on August 4, 2005;

And the Court, per Justice Abdus-Salaam, having entered a Memorandum and Order dated August 4, 2005, granting Chase's Petition; it is hereby

ORDERED AND ADJUDGED that

I. In the event Motorola shall become indebted, by judgment or otherwise, to Iridium India Telecom Ltd. as a result of a certain action pending in the High Court of Judicature in Bombay, India, Civil Suit No. 3092, Motorola shall pay to Chase an amount up to \$10,872,999.05, plus interest at 6.241% per annum, calculated from November 14, 2000 to present, plus fees and expenses Chase incurred in enforcing the Judgment; and

II. In conjunction with the granting of the Petition, Iridium India is directed to execute and deliver to Motorola a writing stating that, in the event that Motorola shall become obligated, by judgment or otherwise, to pay Iridium India as a result of a certain action pending in the High Court of Judicature in Bombay, India, Civil Suit No. 3092, the amount of such payment shall be reduced by an amount up to \$10,872,999.05, plus interest at 6.241% per annum, calculated from November 14, 2000 to present, plus fees and expenses Chase incurred in enforcing the Judgment, which amount Motorola will pay directly to Chase, unless said agreement is determined to be void by the India Court.



ENTER

SA-S

Hon. Sheila Abdus-Salaam
Justice of the Supreme Court
New Delhi

Judgment Entered
this ___ day of September, 2005

Clerk

This judgment and notice of entry, certified true and correct, must appear in person at the Court Registry (Room 141B).

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Clerk
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