

**Matter of 1545 Ocean Ave. LLC v Ocean Suffolk  
Props. LLC**

2007 NY Slip Op 34451(U)

December 19, 2007

Supreme Court, Suffolk County

Docket Number: 2007-17984

Judge: Jeffrey Arlen Spinner

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**SUPREME COURT OF THE STATE OF NEW YORK**  
**IAS PART XXI - COUNTY OF SUFFOLK**

PRESENT

**HON. JEFFREY ARLEN SPINNER**  
 Justice of the Supreme Court



In the Matter of the Application for a Dissolution of  
**1545 OCEAN AVENUE LLC**, A Limited Liability Company,  
 by **CROWN ROYAL VENTURES, LLC**,

Petitioner,

- against -

**OCEAN SUFFOLK PROPERTIES LLC; WALTER T  
 VAN HOUTEN and VAN HOUTEN CONSTRUCTION,**

Respondents.

INDEX NO.: 2007-17984

MOTION SEQ. NO.: 001 - MG

ORIG. MOTION DATE: 07/02/07

FINAL SUBMIT DATE: 10/24/07

UPON the following papers numbered 1 to 66 read on this Motion:

- 1545's Petition (Pages 1-16 & Exhibits A-H);
- Respondents' Opposition (Pages 17-44 & Exhibits A-I);
- Petitioner's Reply (Pages 45-58 & Exhibits A-H);
- Respondents' Sur-Reply (Pages 59-66 & Exhibits J-L);

it is,

**ORDERED**, that the Petition of 1545 is hereby granted as set forth herein below.

Petitioner moves this Court for an Order judicially dissolving 1545 Ocean Avenue LLC.

Judicial dissolution of a limited liability company, pursuant to Limited Liability Company Law (LLCL) § 702, will be ordered only where the complaining member can show that the business sought to be dissolved is unable to function as intended, or else that it is failing financially (*See: Schindler v Niche Media Holdings*, 1 Misc 3d 713 [2003]).

Review of the documents and arguments submitted herein, as well as the conferences conducted with the Court, clearly demonstrates to this Court that 1545 is unable to function as intended, and that a hearing needs to be held in order to conduct an accounting and/or appoint a Receiver to wind up the business, pursuant to LLCL § 703, and provide distribution of assets and liabilities, pursuant to LLCL § 704.

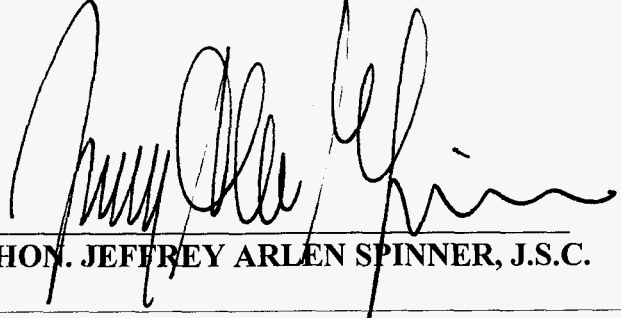
For all the reasons stated herein above and in the totality of the papers submitted herein, it is, therefore,

**ORDERED**, that the application of Petitioner for an Order judicially dissolving 1545 Ocean Avenue LLC, is hereby granted; and it is further

**ORDERED**, that a Hearing is hereby scheduled for January 30, 2007, at 2:30 pm, at the Courthouse located at 210 Centre Drive, Riverhead, New York, to conduct an accounting and/or appoint a Receiver to wind up the business and provide distribution of assets and liabilities; and it is further

**ORDERED**, that Counsel for the moving party herein is hereby directed to serve a copy of this order, with Notice of Entry, upon all parties, and upon the Calendar Clerk of this Court within twenty (20) days of the date of the entry of this Order by the Suffolk County Clerk.

**Dated: Riverhead, New York  
December 19, 2007**



**HON. JEFFREY ARLEN SPINNER, J.S.C.**

✓ FINAL DISPOSITION	NON-FINAL DISPOSITION
✓ SCAN	DO NOT SCAN

TO:

Barry V Pittman, Esq  
*Attorney for Petitioner*  
26 Saxon Avenue, PO Box 5647  
Bay Shore, New York 11706-0455

Oliver Hull, Esq  
*Attorney for Respondents*  
320 West Main Street  
Sayville, New York 11782