

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL TERPIN,

Plaintiff,

-against-

ELLIS PINSKY, as an individual; and DOES 1-
20, Inclusive,

Defendants.

No.: 20-CV-3557 (CS) (AEK)

STIPULATION AND CONSENT TO JUDGMENT

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Attorneys for Plaintiff
MICHAEL TERPIN

Plaintiff MICHAEL TERPIN (“Terpin” or “Plaintiff”) and defendant ELLIS PINSKY (“Pinsky” or “Defendant”) hereby acknowledge, stipulate, consent, and agree to entry of Judgment awarding Terpin monetary relief in the amount of \$22,000,000 against Pinsky and in favor of Terpin on the state law conversion claim; and

Whereas Terpin and Pinsky have entered into an agreement dated September 15, 2022 (the “September 15, 2022 Agreement”) and, pursuant thereto, jointly request entry of Judgment in a form consistent with this Stipulation and Consent to Judgment; and

Whereas the Court has both supplemental jurisdiction over the state law claims given that they relate to the RICO claim and diversity jurisdiction as a result of (a) the amount in controversy and (b) Pinsky’s citizenship in New York and Terpin’s citizenship outside of New York at all relevant times; and

Whereas the parties agree that the underlying facts support the award of a Judgment in at least the amount of the sum set forth herein and may support an even larger award that the parties are hereby compromising pursuant to the terms of the September 15, 2022 Agreement; and

Whereas Pinsky enters into this Stipulation and Consent of his own free and voluntary act, with full knowledge and understanding of this proceeding and the obligations and duties to be imposed on him by entry of the Order and Judgment; and

Whereas there is no reason to delay entry of the Federal Court judgment in the sum of \$22,000,000;

The Parties hereby stipulate and consent to Judgment as follows:

1. Terpin shall have Judgment in his favor against Pinsky in the sum of \$22,000,000 on and in full resolution of the New York state law claim for conversion, and Terpin shall have enforcement, including execution thereon.

2. No additional or other amounts shall be awarded as part of this Judgment to Terpin for prejudgment interest or to either side for costs or attorneys' fees.

3. All remaining claims against Pinsky other than the New York state law claim for conversion shall be dismissed without prejudice and all claims against all DOE Defendants shall be dismissed without prejudice.

4. This Court shall retain jurisdiction of this action for purposes of carrying out the terms of this Order and Judgment, for purposes of enforcing the terms of the September 15, 2022 Agreement pursuant to which this Stipulated Judgment was agreed and submitted, and/or for the purposes of granting such further relief as the Court deems just and proper.

DATED: October 12, 2022

MICHAEL TERPIN

DocuSigned by:
Michael Terpin
EB1CACC045C7447...
Michael Terpin, Plaintiff

DATED: October 11, 2022

ELLIS PINSKY

DocuSigned by:
Ellis Pinsky
EB1E41CD07FB4E0...
Ellis Pinsky, Defendant

DATED: October 13, 2022

CHEHEBAR DEVENEY & PHILLIPS

and

GREENBERG GLUSKER FIELDS CLAMAN &
MACHTINGER LLP

By: /s/ Cornelius P. McCarthy

CORNELIUS P. McCARTHY

By: 

PAUL A. BLECHNER

Attorneys for Plaintiff
MICHAEL TERPIN

DATED: October 13, 2022

NESENOFF & MILTENBERG LLP

By: 

AMY ZAMIR

Attorneys for Defendant
ELLIS PINSKY

ORDER

IT IS SO ORDERED.

DATED: October __, 2022

Cathy Seibel, United States District Judge