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At an I.A.S. Trial Term, Part 2, of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at 320 Jay Street, Borough of Brooklyn, City and State of New York, on

10/27/2023

PRESENT:
Hon. AARON D. MASLOW
Justice

----- X

IRUKA Capital Group, LLC
Plaintiff(s),

-against-

1908 Brands, Inc. et al.
Defendant(s).

----- X

ORDER

Index No. 517596/2023

Motion Sequence No(s). 1

Calendar Date: 10/27/2023

Calendar No(s). 23

The following numbered papers were read on this motion:

NYSCEF Document Numbers 3-14

Upon the foregoing papers, and having heard oral argument and a decision having been rendered on the record in open court¹,

It is hereby ORDERED as follows:

The motion by Defendants seeking to dismiss this action based on lack of subject matter jurisdiction is GRANTED without opposition.

Pursuant to BCL 1314(b) this court lacks subject matter jurisdiction to hear this case.

It is also noted that Plaintiff failed to appear for oral argument.

¹ Counsel are reminded of the provisions requiring that an opinion or decision be included in the record on appeal should an appeal be taken (see CPLR 5526; 22 NYCRR 1250.7 [b] [4], [d] [1] [iii]). Transcripts may be procured from the court reporter (see *Matter of Lewandowski v Office of Ct. Admin.*, 173 Misc 2d 335 [Sup Ct, Albany County 1997]).

For Clerk's use only:

MG _____ MD _____ Motion Sequence No(s): _____

ENTER

ADD

CPLR 5513 (a) provides: "Time to take appeal as of right. An appeal as of right must be taken within thirty days after service by a party upon the appellant of a copy of the judgment or order appealed from and written notice of its entry, except that when the appellant has served a copy of the judgment or order and written notice of its entry, the appeal must be taken within thirty days thereof."

HON. AARON D. MASLOW
JUSTICE OF THE SUPREME COURT