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By: Stacy-Ann T. Davy (NJ Attorney ID No. 024642005)
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[REDACTED]

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: GENERAL EQUITY
ESSEX COUNTY
DOCKET NO. ESX-C-277-13

JOHN J. HOFFMAN,
Acting Attorney General of New Jersey,
on behalf of AMY KOPLETON,
Acting Chief of the New Jersey Bureau of
Securities,

Plaintiff,

v.

GEORGE JOHN BUSSANICH,
a/k/a George John Bussanich, Sr.,
Individually and as President, Chief
Executive Officer and Managing Member
of Metropolitan Ambulatory Surgical
Center LLC;
GEORGE BUSSANICH, JR.,
Individually and as Member of
Metropolitan Ambulatory Surgical Center
LLC; and
METROPOLITAN AMBULATORY
SURGICAL CENTER LLC,
a New Jersey limited liability company,
f/k/a/ Metropolitan Medical & Surgical
Center, LLC;

Defendants,

and

**ORDER TO SHOW CAUSE FOR
TEMPORARY RESTRAINTS
PURSUANT TO R. 4:52**

MELANIE WHITNEY,
Individually;
WILMA MARIE BUSSANICH,
Individually;
KERRY ANN BUSSANICH,
Individually;
BRIDGEVIEW PHYSICAL THERAPY,
LLC,
a New Jersey limited liability company;
NORTHEAST ANESTHESIA
MANAGEMENT GROUP, LLC;
a New Jersey limited liability company,
f/k/a Northeast Anesthesia Group, LLC;
PALISADES REHAB AND SPINAL
CARE GROUP, LLC,
a New Jersey limited liability company;
METROPOLITAN SLEEP AND
DIAGNOSTIC TESTING LLC,
a New Jersey limited liability company;
PALISADES ANASTESIA
ASSOCIATES LLC,
a New Jersey limited liability company;
MGK HOLDINGS, LLC,
a New Jersey limited liability company;
and
MGK ENTERPRISES, INC.,
a New Jersey corporation,

Nominal Defendants.

THIS MATTER being brought before the Court by John J. Hoffman, Acting Attorney General of New Jersey, on behalf of Amy Kopleton, Acting Chief of the New Jersey Bureau of Securities ("Bureau" or "Plaintiff"), (Stacy-Ann T. Davy, Deputy Attorney General, appearing), seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Verified Complaint and Certification of Rudolph G. Bassman filed herewith, and Plaintiff having made a prima facie case that the defendants have engaged in, are engaging in, and/or will continue to engage in acts or practices declared to be illegal or prohibited by the Uniform

Securities Law (1997), N.J.S.A. 49:3-47 et seq. (the "Securities Law") filed herewith; and that the defendants and nominal defendants have notice of this application, and that Plaintiff is entitled to relief sought against defendants and nominal defendants for good cause shown,

IT IS on the 23rd day of December, 2013 **ORDERED** that defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anastesia Associates LLC, MGK Holdings and MGK Enterprises, Inc. appear and show cause before the Honorable Thomas M. Moore, J.S.C., Superior Court of New Jersey, Chancery Division, General Equity Part, Essex County, Robert N. Wilentz Court Complex, 212 Washington Street, 8th Floor, Newark, New Jersey 07102, on the 14th day of February, 2014 1:30 pm 'clock in the pm noon, or as soon thereafter as counsel can be heard, why an order should not be issued:

1. preliminarily enjoining and restraining defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC from engaging in the conduct set forth in the Verified Complaint;
2. preliminarily enjoining and restraining defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC and such persons acting in concert or participation with them including, but not limited to, any agent, employee, broker, partner, officer, director or stockholder, as receive actual notice of this Order, by personal service or otherwise, from the issuance for sale, sale, offer for sale, solicitation, purchase, offer to purchase, promotion, negotiation, advertisement or

distribution from or within the State of New Jersey, of the securities offered by defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC and any other security as that term is defined in the Securities Law, in violation of N.J.S.A. 49:3-60, pending further order of this Court;

3. preliminarily enjoining and restraining defendants George John Bussanich and George Bussanich, Jr. from effecting or attempting to effect transactions in securities from, in or within New Jersey without being registered as an agent and/or broker-dealer with the Bureau, in violation of N.J.S.A. 49:3-56(a);
4. preliminary enjoining and restraining defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC from acting, from and within the State of New Jersey as: an agent as defined in N.J.S.A. 49:3-49(b); a broker-dealer as defined in N.J.S.A. 49:3-49(c); an investment adviser and/or an investment adviser representative as defined in N.J.S.A. 49:3-49(g); or from controlling or associating in any capacity with any broker-dealer or investment adviser doing business from, into or within the State of New Jersey, or from controlling an issuer, or acting as an officer, director, or manager of an issuer as defined in N.J.S.A. 49:3-49(h) whose securities are offered for sale and/or sold in New Jersey;
5. preliminarily enjoining and restraining defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC from violating the anti-fraud provisions of the Securities Law, N.J.S.A. 49:3-52 (a) - (d);
6. preliminarily enjoining and restraining defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich,

Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., and such persons who receive actual or constructive notice of this order from destroying, altering, concealing, transferring, disposing or removing in any manner, directly or indirectly, any books, records, documents, information stored in electronic format, including on computers or electronic devices, maintained in any form, relating in any way to the business and personal affairs of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., and any and all bank accounts and/or brokerage accounts under their direct or indirect control, jointly or individually;

7. freezing the assets, real and personal, of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. in which either or any of them, jointly and/or individually, hold a legal or equitable interest, subject to reasonable living and/or ordinary business expenses,

including and any and all bank accounts and/or brokerage accounts under their direct or indirect control, jointly or individually, in that such assets should not be disposed of, transferred, dissipated, encumbered, withdrawn, removed, or sold pending further order of this Court;

8. requiring defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. to provide Plaintiff with a detailed list and supporting documentation of all assets and liabilities, from January 1, 2009 to the present day on a form to be provided by Plaintiff, within ten (10) days of receipt;
9. continuing the appointment of a receiver for and over defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. to serve without bond, and who shall:
 - a. continue to take into possession and take title to all of the real and personal property, including and any and all bank accounts and/or brokerage accounts under their direct or indirect control, jointly or individually, of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical

Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. including, but not limited to, causes of action and all such assets obtained in the future, and undertake all actions necessary or appropriate to maintain optimal value of these assets, including the liquidation of any such assets;

b. review all the books and records of and pertaining to defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., including and any and all bank accounts and/or brokerage accounts under their direct or indirect control, jointly or individually, and report to the Court within ninety (90) days of this Order:

i. the identities of all investors and/or creditors of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and

Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., past and present, and the status of their accounts;

- ii. the financial condition of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., their successors, subsidiaries and affiliates; and
 - iii. a preliminary plan to distribute the assets of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. to investors and/or creditors, if so warranted by the receiver.
- c. continue to determine the necessity of retaining professionals including, but not limited to, accountants and attorneys, to assist the receiver in fulfilling the responsibilities as ordered by the Court, and upon making a determination of

necessity and obtaining Plaintiff's consent, make application to the Court for an order, in accordance with the Rules of Court, permitting the retention of such professionals by the receiver;

- d. be held harmless from and against any liabilities, including costs and expenses of defending claims, for which the receiver may become liable or incur by reason of any act or omission to act in the course of performing the receiver's duties, except upon a finding by this Court of gross negligence or willful failure of the receiver to comply with the terms of this or any other order of this Court, regardless of the time when such claims are filed;
- e. continue to be compensated out of the estate of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anastesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., their successors, subsidiaries and affiliates, and/or such funds as the receiver may recover;
- f. be permitted to resign upon giving written notice to the Court and Plaintiff of the receiver's intention to resign, which resignation shall not become effective until appointment by the Court of a successor which shall be subject to Plaintiff's approval;
- g. have the full statutory powers just as a receiver would, to perform the receiver's duties, including the powers delineated in N.J.S.A. 49:3-69 (c) and (d) and Title

14 of the New Jersey Statutes, Corporation, General, including, but not limited to, those set forth at N.J.S.A. 14A:14-1 et seq.; and

h. hold all privileges available to defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. pursuant to N.J.S.A. 49:3-69(d), and be able to waive such privileges as the receiver deems appropriate in his or her sole judgment.

10. be permitted, with the accompaniment of a member of the New Jersey State Police, County Sheriff's Officer, municipal police officer, or any other such public safety official, if necessary, and with presentation of a court order at the time of inspection provided by the receiver to defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and/or MGK Enterprises, Inc. and/or their counsel, giving the receiver permission to access all the real property owned, leased, managed, controlled by either or all of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie

Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. in order to inventory the personal property of said defendants and nominal defendants, their successors, subsidiaries and affiliates;

11. tolling the statute of limitations and/or the statute of repose retroactive to the date upon which this action is commenced by Plaintiff for purposes of preserving the estate's rights, through the receiver, to prosecute actions to void preferential transfers, to seek to set aside fraudulent transfers, and encumbrances pursuant to N.J.S.A. 14A:14-4 and N.J.S.A. 25:2-20 et seq., among other actions;
12. providing that any person with actual or constructive notice of this Order who aids, abets, counsels, commands or instructs any person or entity to perform any act prohibited by this Order shall be subject to punishment;
13. affording Plaintiff and affected third parties such other relief as the Court deems just and equitable; and
14. entering a case management order setting forth expedited discovery periods and such order shall not preclude Plaintiff from immediately issuing subpoenas and/or taking depositions of defendants, nominal defendants and third parties separate and apart from the receiver's depositions of defendants, nominal defendants and third parties.

And it is further **ORDERED** that pending the return date herein, defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC are temporarily enjoined and restrained from:

15. engaging in the conduct set forth in the Verified Complaint;
16. the issuance for sale, sale, offer for sale, solicitation, promotion, negotiation, advertisement or distribution from or within the State of New Jersey, of the securities offered by defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC and any other security as that term is defined in the Securities Law, in violation of N.J.S.A. 49:3-60, pending further order of this Court;
17. violating the Securities Law;
18. effecting or attempting to effect transactions in securities from, in or within New Jersey without being registered as an agent and/or broker-dealer with the Bureau, in violation of N.J.S.A. 49:3-56(a);
19. acting, from and within the State of New Jersey as: an agent as defined in N.J.S.A. 49:3-49(b); a broker-dealer as defined in N.J.S.A. 49:3-49(c); an investment adviser and or an investment adviser representative as defined in N.J.S.A. 49:3-49(g); or from controlling or associating in any capacity with any broker-dealer or investment adviser doing business from, into or within the State of New Jersey, or from controlling an issuer, as defined in N.J.S.A. 49:3-49(h), whose securities are traded in New Jersey; and
20. violating the anti-fraud provisions of the Securities Law, N.J.S.A. 49:3-52 (a) - (d).

And it is further **ORDERED** that pending the return date herein, defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing

LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. are temporarily enjoined and restrained from:

21. destroying, altering, concealing, transferring, disposing or removing in any manner, directly or indirectly, any books, records, documents, information stored in electronic format, including on computers or electronic devices, maintained in any form, relating in any way to the business and personal affairs of, and any and all bank accounts and/or brokerage accounts under their direct or indirect control, jointly or individually, defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc.; and
22. disposing of, transferring, dissipating, encumbering, liquidating, withdrawing, removing, or selling the assets of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., in which either or any of them hold a legal or equitable interest, jointly or individually, including all real and personal property, including and any and all bank accounts and/or brokerage accounts

under their direct or indirect control, jointly or individually, pending further order of this Court.

And it is further **ORDERED** that pending the return date herein, Kenneth Nowak, Esq is appointed as a receiver for and over defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. to serve without bond, and who shall:

23. immediately take into possession and take title to all of the real and personal property, including and any and all bank accounts and/or brokerage accounts under their direct or indirect control, jointly or individually, of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. including, but not limited to, causes of action and all such assets obtained in the future, and undertake all actions necessary or appropriate to maintain optimal value of these assets, including the liquidation of any such assets;
24. review all the books and records of and pertaining to defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal

defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., including and any and all bank accounts and/or brokerage accounts under their direct or indirect control, jointly or individually;

25. determine the necessity of retaining professionals including, but not limited to, accountants and attorneys, to assist the receiver in fulfilling the responsibilities as ordered by the Court, and upon making a determination of necessity and obtaining Plaintiff's consent, make application to the Court for an order, in accordance with the Rules of Court, permitting the retention of such professionals by the receiver;

26. be held harmless from and against any liabilities, including costs and expenses of defending claims, for which the receiver may become liable or incur by reason of any act or omission to act in the course of performing the receiver's duties, except upon a finding by this Court of gross negligence or willful failure of the receiver to comply with the terms of this or any other order of this Court, regardless of the time when such claims are filed;

27. be compensated out of the estate of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK

Enterprises, Inc., their successors, subsidiaries and affiliates, and/or such funds as the receiver may recover;

28. be permitted to resign upon giving written notice to the Court and Plaintiff of the receiver's intention to resign, which resignation shall not become effective until appointment by the Court of a successor which shall be subject to Plaintiff's approval;
29. have the full statutory powers just as a receiver would, to perform the receiver's duties, including the powers delineated in N.J.S.A. 49:3-69 (c) and (d) and Title 14 of the New Jersey Statutes, Corporation, General, including, but not limited to, those set forth at N.J.S.A. 14A:14-1 et seq.;
30. hold all privileges available to defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anastesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. pursuant to N.J.S.A. 49:3-69(d), and be able to waive such privileges as the receiver deems appropriate in his or her sole judgment.
31. be permitted, with the accompaniment of a member of the New Jersey State Police, County Sheriff's Officer, municipal police officer, or any other such public safety official, if necessary, and with presentation of a court order at the time of inspection provided by the receiver to defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy

LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and/or MGK Enterprises, Inc. and/or their counsel, giving the receiver permission to access all the real property owned, leased, managed, controlled by either or all of defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. in order to inventory the personal property of said defendants and nominal defendants, their successors, subsidiaries and affiliates;

And it is further **ORDERED** that pending the return date herein:

32. defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. are required to turn over to the receiver on or before 130 p.m. on January 3, 2014, true and complete copies of all documents evidencing said defendants' and nominal defendants' assets and liabilities, all documents that refer or relate in any way to the allegations set forth in the Plaintiff's Verified Complaint, and thereafter such other documents and

information as the receiver may reasonably demand from time to time, which are necessary to effectuate the receiver's responsibilities pursuant to this Order. Said defendants and nominal defendants shall be responsible for all costs incurred in connection with responding to the receiver's reasonable demands.

33. defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. shall be permitted to pay reasonable living and/or ordinary business expenses, subject to the approval of the receiver and Plaintiff.

and the parties are ordered to cooperate to achieve this provision

And it is further **ORDERED** that:

34. Defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to Plaintiff's attorney, whose address is:

Stacy-Ann T. Davy, DAG
Division of Law
124 Halsey Street, 5th Floor
Newark, New Jersey 07101

[REDACTED]
[REDACTED]
[REDACTED]

35. A copy of this Order to Show Cause, Verified Complaint, legal memorandum and any supporting affidavits or certifications in support of this application be served upon defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc., or their attorney(s) within 7 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process;
36. The Plaintiff must file with the court the proof of service of the pleadings on the defendants no later than three (3) days before the return date;
37. Defendants George John Bussanich, George Bussanich, Jr. and Metropolitan Ambulatory Surgical Center LLC, and nominal defendants Melanie Whitney, Kerry Ann Bussanich, Wilma Marie Bussanich, Bridgeview Physical Therapy LLC, Northeast Anesthesia Management Group, LLC, Palisades Rehab and Spinal Care Group, LLC, Metropolitan Sleep and Diagnostic Testing LLC, Palisades Anesthesia Associates LLC [sic], MGK Holdings and MGK Enterprises, Inc. shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by January 31, 2019. The original documents must be filed

with the clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office of the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. You must send a copy of your opposition directly to the Honorable Thomas M. Moore, J.S.C., whose address is Superior Court of New Jersey, Chancery Division, General Equity Part, Essex County, Robert N. Wilentz Court Complex, 212 Washington Street, 8th Floor, Newark, New Jersey 07102. You must also send a copy of your opposition papers to the Plaintiff's attorney whose name and address is:

Stacy-Ann T. Davy, DAG
Division of Law
124 Halsey Street, 5th Floor
Newark, New Jersey 07101

[REDACTED]
[REDACTED]
[REDACTED]

A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$_____ and service your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the Plaintiff is seeking.

38. The Plaintiff must file and serve any written reply to the defendants' and/or nominal defendants' order to show cause opposition by ~~Jan~~ Feb 7, 2014

The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of the Honorable Thomas M. Moore, J.S.C.

39. If the defendants and/or nominal defendants do not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief

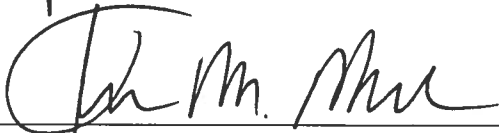
may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three (3) days prior to the return date.

40. If the Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.
41. Defendants and nominal defendants take notice that the Plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute the complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the day of service of this order to show cause; not counting the day you received it.
42. These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office of the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include a \$_____ filing fee payable to the "Treasurer, State of New Jersey." You must also send a copy of your Answer to the Plaintiff's attorney whose name and address appear above, or to the Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief Plaintiff demands.

43. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office of the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

44. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than 5 days before the return date.

45. The restraints set forth in this Order may be dissolved, enlarged or modified upon two (2) days notice given by any of the parties to all of the parties herein.



Honorable Thomas M. Moore, J.S.C.