

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

Plaintiff,

-against-

Defendant.

AFFIRMATION IN SUPPORT
OF MOTION TO STAY
ARBITRATION

_____, an attorney duly licensed to practice before the
Courts of the State of New York, and associated with the law firm of
_____, the attorneys of record for plaintiff
_____ (the "Corporation"), affirms under penalty of perjury and says,
pursuant to CPLR 2106:

1. I am familiar with the facts and circumstances stated herein. I submit this Affirmation in support of the Corporation's motion to stay the arbitration instituted by the defendant _____ by Demand for Arbitration _____ dated _____ (Exhibit "A").

THE PARTIES

2. The Corporation is a domestic corporation with its principal place of business located at _____. It employs professional architects and draftsmen and is engaged in the business of design of private and public structures.

3. Defendant is the President, a director, and a 50 percent shareholder of the Corporation and is a resident of New York.

THE DISPUTE

4. A dispute has arisen between the Corporation and defendant, stemming from his abandonment of his managerial duties and breach of his fiduciary obligations of care and loyalty to the Corporation, as set forth in detail in the Complaint herein. (A copy of the Complaint is annexed as Exhibit "B".)

THE PENDING PROCEEDINGS

5. When the Corporation discovered that defendant was secretly competing with it by covertly performing architectural and design services for present and potential clients of the Corporation, failing to maintain proper records, and pocketing funds that rightfully belonged to the Corporation, it initiated this lawsuit.