

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

LELA GOREN, individually, as well as
derivatively on behalf of EXTELL
NEW YORK REGIONAL CENTER, LLC,
a Delaware limited liability company,

Plaintiffs,

v.

GARY BARNETT, individually, OMS MANAGER,
LLC, a Delaware liability company, 555 TENTH
AVENUE MANAGER, LLC, a Delaware limited
liability company, CPT EB5 MANAGER, LLC, a
Delaware limited liability company, WNCE
MANAGER, LLC, a Delaware limited
liability company, and HRH NCE MANAGER,
LLC, a Delaware limited liability company,
INTERNATIONAL GEM TOWER FUND, LLC, a
Delaware limited liability company,
INTERNATIONAL GEM TOWER FUND II, LLC,
a Delaware limited liability company,

Defendants.

-and-

EXTELL NEW YORK REGIONAL CENTER, LLC,
a Delaware limited liability company,

Nominal Defendant in the Derivative Action.

Index No.

Date Purchased and Filed

SUMMONS WITH NOTICE

Plaintiff designates New York
County as the place of trial. The
basis of venue is that the individual
parties reside in New York County
and the business entity parties
operate in New York County.

Plaintiff's address is
31 W 11th Street
New York, New York 10011

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of
appearance on Plaintiff's counsel within twenty (20) days after the service of this summons
exclusive of the day of service (or within thirty (30) days after the service is complete if this
summons is not personally delivered to you within the State of New York); and in the case of
your failure to appear, judgment will be taken against you be default for the relief demanded in

the notice set forth below.

PLEASE TAKE NOTICE that this derivative action is brought by LELA GOREN as a member of EXTELL NEW YORK REGIONAL CENTER, LLC, against defendants for Breach of Fiduciary Duty; Waste; Unjust Enrichment; Conversion; Fraud and Accounting in connection with the management and operation of the EB-5 regional center known as Extell New York Regional Center (the “**Derivative Claims**”).

PLEASE TAKE FURTHER NOTICE that this action is brought by LELA GOREN individually, against Defendant Gary Barnett for Breach of Fiduciary Duty; Unjust Enrichment; Fraud; and Breach of Contract in connection with the Limited Liability Company Agreement of Extell New York Regional Center (the “**Direct Claims**”).

PLEASE TAKE FURTHER NOTICE that with respect to the Derivative Claims, plaintiff seeks (a) damages in an amount to be determined at trial but in no event less than \$50,000,000.00 plus pre- and post-judgment interest, costs and attorneys’ fees; (b) appointment of a receiver for Extell New York Regional Center, LLC; and (c) such further relief deemed just and proper.

PLEASE TAKE FURTHER NOTICE that with respect to the Direct Claims, plaintiff seeks (a) damages in an amount to be determined at trial but in no event less than \$15,000,000.00 plus pre- and post-judgment interest and costs; and (b) such further relief deemed just and proper.

PLEASE TAKE FURTHER NOTICE that upon your failure to appear, judgment will be taken against you by default for the sum of \$50,000,000.00, plus pre- and post-judgment interest, costs and attorneys’ fees for the Derivative Claims and the sum of \$15,000,000.00 plus pre and post- judgment interest, and costs for the Direct Claims.

Dated: Princeton, New Jersey
May 31, 2019

SAUL EWING ARNSTEIN & LEHR LLP

/s/ Ruth A. Rauls
Ruth A. Rauls, Esq.

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Princeton, New Jersey 08540
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New York, NY 10020

*Attorney for LELA GOREN, individually, as
well as derivatively on behalf of EXTELL NEW
YORK REGIONAL CENTER, LLC, a
Delaware limited liability company*

TO:

GARY BARNETT
115-19 Mayfair Road
Richmond Hills, NY 11418

OMS MANAGER, LLC
805 Third Avenue, 7th Floor
New York, NY 10022

555 TENTH AVENUE MANAGER,
LLC
805 Third Avenue, 7th Floor
New York, NY 10022

CPT EB5 MANAGER, LLC
805 Third Avenue, 7th Floor
New York, NY 10022

WNCE MANAGER, LLC
805 Third Avenue, 7th Floor
New York, NY 10022
Reg. Agent -C T Corporation System
28 Liberty Street
New York, NY 10005

HRH NCE MANAGER, LLC
805 Third Avenue, 7th Floor
New York, NY 10022

EXTELL NEW YORK REGIONAL
CENTER, LLC
805 Third Avenue, 7th Floor
New York, NY 10022
Reg. Agent -C T Corporation System
28 Liberty Street
New York, NY 10005

INTERNATIONAL GEM TOWER
FUND, LLC
c/o its Managing Member, Extell
New York Regional Center, LLC
805 Third Avenue, 7th Floor
New York, NY 10022

INTERNATIONAL GEM TOWER
FUND II, LLC
c/o its Managing Member, Extell
New York Regional Center, LLC
805 Third Avenue, 7th Floor
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