

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

**SLEEK AUDIO, LLC, MARK KRYWKO,  
MICHAEL KRYWKO, JASON  
KRYWKO AND GREGORY WYSOCKI,**

Plaintiffs,

against

**CURTIS J. JACKSON, III**

Defendant.

**Index No. 161145/14**

**AFFIDAVIT OF  
DENNIS K. EGAN**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NEW YORK )

Dennis K. Egan, being duly sworn, deposes and says:

1. I am a member of the State Bar of Michigan and a member of Kotz Sangster Wysocki PC, counsel to Sleek Audio, LLC, and the other Petitioners and Counter-Respondent in the matter *Sleek Audio, LLC et al., Petitioners and Counter-Respondents vs. Curtis J. Jackson, III, Respondent and Counter-Petitioner* in the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (Case No. 502013CA01220XXXXMBAA)(hereinafter "Florida Action") and am fully familiar with the proceedings in that case.
2. I was also lead counsel in the underlying consolidated arbitration proceedings on behalf of Sleek Audio, LLC that were the subject of confirmation/vacatur motions in the Florida Action and am fully familiar with those proceedings as well.
3. On October 16, 2014, the Hon. Peter Blanc, Palm Beach County Circuit Judge, entered an Order Confirming Arbitration Award and Final Judgment in favor of Sleek Audio, LLC, Mark Krywko, Michael Krywko, Jason Krywko and Gregory Wysocki, against Curtis J. Jackson, III,

(the "Florida Judgment") which has been domesticated and entered as a judgment in this action.

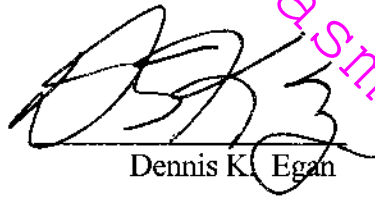
See, Docket No. 3.

4. The Florida Judgment is a judgment solely for the payment of money under Fla. R. App. P. 9.310(b)(1) as it provides for no relief to Plaintiffs other than a money judgment.
5. The Florida Judgment was filed by the Clerk of the Court on October 17, 2014.
6. Under Fla. R. Civ. P. 1.530(b), a motion for new trial or rehearing must be served no later than 15 days after the date of filing of the judgment. During that 15-day period, there is a stay of execution. If such a motion is filed, the automatic stay remains in effect until that motion is decided.
7. Here, Jackson did not file a motion for rehearing.
8. The Florida Judgment was filed with the Palm Beach County Circuit Court Clerk's office on October 17, 2014. Accordingly, the automatic stay of execution built into Rule 1.530(b) expired at midnight on Monday, November 3, 2014.
9. Meanwhile, Respondent Curtis J. Jackson, III, filed a Notice of Appeal on October 29, 2014 regarding the Florida Judgment, but has not filed a supersedeas appellate bond as provided by Fla. R. App. P. 9.330.
10. Neither the lower court nor the Florida Court of Appeal has issued any order staying execution of the Florida Judgment.
11. Jackson filed motions for stay, but none of the motions for stay filed by Jackson have been heard by the Palm Beach County Circuit Court, so no stay orders have been issued.
12. The attorney for the Palm Beach County Circuit Court Clerk confirmed that Jackson's filing of motions for a stay of execution, absent a court order, do not stay execution on the Florida Judgment.

13. This was further confirmed when on Friday, November 7, 2014, the Palm Beach County Circuit Court Clerk issued a writ of garnishment in the case directed to Fidelity Brokerage Services, LLC, a copy of which is attached.
14. Accordingly, since November 4, 2014, there is no stay of execution in place in Florida or in any other state regarding the Florida Judgment.
15. Moreover, the Palm Beach County Circuit Court is in the Fourth District Florida Court of Appeal. Circuit courts located in that District are bound by Fourth District opinions on a particular issue. *State v. Hayes*, 333 So. 2d 51, 53 (Fla. 4<sup>th</sup> Dist. Ct. App. 1976).
16. The Fourth District Court of Appeal decisions in *Caruso v. Caruso*, 932 So. 2d 457 (Fla. 4<sup>th</sup> Dist. Ct. App. 2006) and *Collins v. Reiss*, 615 So. 2d 173 (Fla. 4<sup>th</sup> Dist. Ct. App. 1993), held that the court does not have the discretion to stay execution of a money judgment absent the judgment debtor posting of a bond equal to 100% of the judgment plus two years' post judgment interest. Here, that would be 109% of the judgment.
17. So, any suggestion by Jackson to this Court that the required amount of any appellate bond on his appeal will be the subject of debate is wrong; the amount of the bond is not discretionary.
18. Accordingly, the Florida Judgment is not the subject of any stay, and Petitioners are free in the State of Florida to execute on the Florida Judgment and absent a court order from a Florida Court, this Court should allow Plaintiffs to proceed in this State with efforts to collect on the domesticated Judgment in accordance with the laws of this State..

Dated: November , 2014

New York, New York

  
Dennis K. Egan

Sworn to before me this

14 day of November, 2014

  
NOTARY PUBLIC

02 FO 4735463  
My Commission expires: 09/30/17

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN  
AND FOR PALM BEACH COUNTY, FLORIDA

SLEEK AUDIO, LLC, MARK KRYWKO,  
MICHAEL KRYWKO, JASON KRYWKO, and  
GREGORY WYSOCKI,

Petitioners and Counter-Respondents,  
vs.

Case No. 502013CA012120XXXXMBAA

CURTIS J. JACKSON, III,

Respondent and Counter-Petitioner.

and

FIDELITY BROKERAGE SERVICES, LLC,

Garnishee.

**WRIT OF GARNISHMENT**

THE STATE OF FLORIDA

TO: Each Sheriff of the State

YOU ARE COMMANDED to summon the garnishee, FIDELITY BROKERAGE SERVICES, LLC, 3501 PGA Blvd #100, Palm Beach Gardens, Florida to serve an answer to this writ on the Petitioners' attorney, MARK F. RAYMOND, P.A., of the law firm of BROAD AND CASSEL, whose address is One Biscayne Tower, 2 S. Biscayne Blvd, 21st Floor, Miami, Florida 33131, within 20 days after service on the garnishee, exclusive of the day of service, and to file the original with the clerk of this court either before service on the attorney or immediately thereafter, stating whether the garnishee is indebted to Respondent CURTIS J. JACKSON, III at the time of the garnishee's answer, or was indebted at the time of service of the writ, or at any times between such times; in what sum and what tangible or intangible personal property of Respondent the garnishee has in its possession or control at the time of its answer, or had at the time of the service of the writ, or at any time between such times; and whether the garnishee knows of any other person indebted to Respondent, or who may have any of the property of Respondent in his or her possession or control. The amounts set forth in Petitioners' motion are: \$17,247,426.11, owed to Sleek Audio, LLC; \$125,728.40, owed to Mark Krywko, Mike Krywko, and Jason Krywko; and \$53,853.72, owed to Gregory Wysocki.

**FAILURE TO FILE AN ANSWER WITHIN THE TIME REQUIRED MAY RESULT IN THE ENTRY OF JUDGMENT AGAINST THE GARNISHEE FOR THE ABOVE TOTAL AMOUNTS.**

WITNESS my hand and the Seal of this Court on this NOV 07 2014 day of NOVEMBER, 2014.

SHARON R. BOCK  
Clerk of the Court

BY: Lorraine Hunt  
As Deputy Clerk

SHARON R. BOCK  
Clerk & Comptroller  
P.O. Box 4667  
West Palm Beach, Florida  
33402-4667