

Cause No. 2023-10986

OSAMA ABDULLATIF, individually,
and ABDULLATIF & COMPANY, LLC

Plaintiffs,

vs.

ALI CHOUDHRI,
9201 MEMORIAL LLC,
2727 KIRBY 26L LLC,
MEMORIAL GLEN COVE LLC,
MEMORIAL PARK LLC, and
VGRP HOLDINGS LLC

Defendants,

vs.

BENJAMIN GUBERNICK,

Intervenor.

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

133rd JUDICIAL DISTRICT

[PROPOSED] ORDER GRANITNG INTERVENOR’S OMNIBUS MOTION FOR SUMMARY JUDGMENT AGAINST MEMORIAL GLEN COVE LLC, SEVERANCE OF CLAIM, DISMISSAL OF REMAINING CLAIMS, ENTRY OF FINAL JUDGMENT, FORECLOSURE ON ATTACHMENT LIEN, AND ISSUANCE OF ORDER OF SALE

On this day, the Court considered Intervenor Benjamin Gubernick’s Omnibus Motion for Summary Judgment against Memorial Glen Cove LLC, Severance of Claim, Dismissal of Remaining Claims, Entry of Final Judgment, Foreclosure on Attachment Lien, and Issuance of Order of Sale. After reviewing the motion, the accompanying exhibits, the relevant law, the record, any response, and any arguments of the parties, and otherwise being fully advised, the Court finds that the motion is well taken, and will be GRANTED in all respects.

I. SUMMARY JUDGMENT

IT IS ORDERED, ADJUDGED, AND DECREED that summary judgment is entered in Benjamin Gubernick’s favor against Memorial Glen Cove LLC on Benjamin Gubernick’s claim against Memorial Glen Cove LLC for breach of contract, as alleged in Benjamin Gubernick First

Amended Petition in Intervention.

II. INTERVENOR'S REMAINING CLAIMS

IT IS ORDERED, ADJUDGED, AND DECREED that all other claims in Benjamin Gubernick's First Amended Petition in Intervention filed in cause number 2023-10986 are dismissed without prejudice.

III. SEVERANCE OF CLAIM

IT IS ORDERED, ADJUDGED, AND DECREED that the clerk is directed to SEVER Benjamin Gubernick's claim for breach of contract against Memorial Glen Cove LLC into a new case bearing cause number 2023-10986B or the next available cause number the ("Severed Case").

IV. FINAL JUDGMENT

IT IS ORDERED, ADJUDGED, AND DECREED that FINAL JUDGMENT is entered in the SEVERED CASE in favor of Benjamin Gubernick and against Memorial Glen Cove LLC on Benjamin Gubernick's claim for breach of contract.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT Benjamin Gubernick shall recover \$350,000 from Memorial Glen Cove LLC on his breach of contract claim.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Benjamin Gubernick shall additionally recover pre-judgment interest at a rate of 10%, compounded annually, from Memorial Glen Cove LLC, starting on May 5, 2023, and continuing to the date of entry of this order.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Benjamin Gubernick shall additionally recover post-judgment interest at a rate of 10%, compounded annually, from Memorial Glen Cove LLC, starting on the date of entry of this order, and continuing until the

judgment is paid in full.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the parties will bear their own costs.

THIS JUDGMENT IS FINAL, DISPOSES OF ALL THE CLAIMS AND ALL THE PARTIES AND IS APPEALABLE.

V. FORECLOSURE ON LIEN AND ORDER OF SALE

IT IS ORDERED, ADJUDGED, AND DECREED that the attachment lien created by this Court's Writ of Attachment issued on August 12, 2024, and served on Memorial Glen Cove LLC on August 14, 2024, is hereby FORECLOSED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that an ORDER OF SALE shall issue for the following real property: Lots 1-3 in Block 19 of the Rice Military Subdivision, according to the map or plot thereof recorded in Volume 3, Page 41, of the Map Records of Harris County, Texas, commonly known as 5803 Blossom Street, Houston, Texas 77007.

VI. ALL OTHER RELIEF DENIED

All relief not expressly granted herein is DENIED.

SIGNED this ____ day of _____, 2024.

Signed: 
By 10/28/2024
DISTRICT COURT JUDGE