

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

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In the Matter of the Application of

**VERIFIED PETITION**

THE CITY OF NEW YORK,

Index No.

Petitioner-Judgment Creditor,

for a judgment pursuant to CPLR § 5227 extending the time in which to transfer property not capable of delivery or pay debts to the sheriff pursuant to an execution and levy served on May 10, 2019, to and including December 31, 2020,

-against-

HC2 Holdings Inc.,

Respondent-Garnishee.

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TO THE ABOVE-NAMED RESPONDENT:

Petitioner-Judgment Creditor, the City of New York (the “City”), by its attorney, Zachary W. Carter, Corporation Counsel of the City of New York, alleges upon personal knowledge as to itself and upon information and belief as to all other matters:

1. In this special proceeding, the City seeks a judgment pursuant to CPLR § 5227 extending the time in which respondent-garnishee HC2 Holdings Inc. is required to transfer property not capable of delivery or pay debts to the sheriff pursuant to an execution and levy that was served on May 10, 2019, to and including December 31, 2020. Pursuant to CPLR § 5232, during the pendency of this application, HC2 Holdings Inc. is forbidden to make or suffer any sale, assignment or transfer of, or any interference with any property in which the Judgment Debtor Philip Falcone has an interest, or pay over or otherwise dispose of any debt

owed to judgment debtor Philip Falcone, to any person other than the Sheriff, except upon direction of the Sheriff or pursuant to an order of the Court.

2. Petitioner-judgment creditor, the City, is a municipal corporation organized under the laws of the State of New York, with its principal place of business in the City, County and State of New York.

3. Upon information and belief, respondent-garnishee HC2 Holdings Inc. is a Delaware corporation with its principal place of business at 450 Park Avenue, in the City, County and State of New York.

4. On March 25, 2019, a judgment was filed, entered and duly docketed in the New York County Clerk's Office under Index No. 450328/19, in favor of the City against Defendants and Judgment Debtors Harbinger Capital Partners Offshore Manager, LLC and Philip Falcone in the amount of \$2,690,100.00.

5. The City has acted diligently to collect the judgment and it received a payment of \$50,000 on April 8, 2019 and a payment of \$215,000 on June 11, 2019. In addition, the Sheriff has collected three payments of \$2,307.69, pursuant to an ongoing income execution served on HC2 Holdings Inc. As of this date, the sum of \$2,514, 941.49 remains due under the judgment, with poundage of \$125,708.23 remaining payable.

6. HC2 Holdings Inc. is a publicly traded company with its principal place of business at 450 Park Avenue, New York, which trades on the New York Stock exchange under the ticker symbol HCHC. Judgment debtor Philip Falcone has been employed as the Chairman, President and Chief Operating Officer of HC2 Holdings Inc. since May of 2014 and is scheduled to receive substantial awards of common stock and cash incentive payments under

a bonus plan on or before December 31, 2019, and additional stock awards and bonus on or before December 31, 2020.

7. The City served an information subpoena on HC2 Holdings Inc. on May 2, 2019. Pursuant to the information subpoena, HC2 Holdings Inc.'s general counsel disclosed that the judgment debtor Philip Falcone will be entitled to receive shares of unrestricted common and various cash incentive bonus payments, which will be deliverable or payable in 2019 and 2020, if Mr. Falcone is still employed by the company. Among other things, the sum of \$544,532 will be payable to Philip Falcone as an annual cash incentive payment under the company's bonus plan on or before 12/31/2019 and an additional \$1,625,469 will be payable on or before 12/31/2020.

8. On May 10, 2019, the City delivered an execution to the Sheriff containing a notice to HC2 Holdings Inc. as garnishee, with respect to the annual cash incentive payments and the stock options or other rights to purchase shares of common stock of H2C Holdings Inc. The Sheriff served the execution and levy on HC2 Holdings Inc. on May 10, 2019.

9. Unless extended, the execution and levy served by the Sheriff on H2C on May 10, 2019 will become void on August 8, 2019, which is ninety (90) days after service thereof.

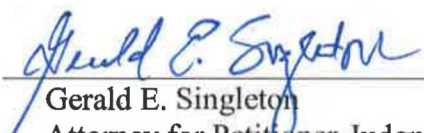
10. The City will suffer prejudice if an extension of the levy and execution to and including December 31, 2020, is not granted as requested herein.

11. No prior application for the relief sought herein or similar relief has been made to this or any other court.

12. Based on the foregoing, the City respectfully requests that the execution and levy served by the Sheriff on H2C Holdings Inc. on May 10, 2019, be extended to and including December 31, 2020.

Dated: New York, New York  
August 7, 2019

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York

By:   
Gerald E. Singleton  
Attorney for Petitioner-Judgment  
Creditor the City of New York  
100 Church Street, Room 20-093  
New York, New York 10007  
(212) 356- 2036  
[gsinglet@law.nyc.gov](mailto:gsinglet@law.nyc.gov)

**VERIFICATION**

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

Gerald E. Singleton, being duly sworn, says that he is an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York; that the City of New York is the petitioner in the within special proceeding; that the allegations in the petition as to petitioner are true to his knowledge; that the matters alleged therein upon information and belief, he believes to be true; and that the basis of his knowledge is the books and records of the petitioner and/or statements made to him by officers or employees thereof. This verification is not made by the petitioner because the petitioner is a municipal corporation.

*Gerald E. Singleton*  
\_\_\_\_\_  
GERALD E. SINGLETON

Sworn to before me this  
7<sup>th</sup> day of August, 2019

*Cynthia C. Weaver*  
\_\_\_\_\_  
NOTARY PUBLIC

CYNTHIA C. WEAVER  
Notary Public, State of New York  
No. 02WE6314387  
Qualified in Kings County  
Commission Expires 01/14/2023

**INDEX NO**

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

In the Matter of the Application of

THE CITY OF NEW YORK,

Petitioner-Judgment Creditor,

for a judgment pursuant to CPLR § 5227 extending the time in which to transfer property not capable of delivery or pay debts to the sheriff pursuant to an execution and levy on served May 10, 2019, to an including December 31, 2020,

-against-

HC2 Holdings Inc.,

Respondent-Garnishee

**PETITION**

**ZACHARY W. CARTER**  
Corporation Counsel of the City of New York

Gerald E. Singleton  
Assistant Corporation Counsel  
*Attorney for The City of New York*  
(212) 356-2036  
100 Church Street  
New York, NY 10007

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2019.....*

*..... Esq.*

*Attorney for.....*

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

-----X

In the Matter of the Application of  
THE CITY OF NEW YORK,  
Petitioner-Judgment Creditor,

**AFFIRMATION IN SUPPORT OF  
PETITION FOR AN EXTENSION  
OF AN EXECUTION AND LEVY  
PURSUANT TO CPLR § 5227**

for a judgment pursuant to CPLR § 5227 extending the  
time in which to transfer property not capable of  
delivery or pay debts to the sheriff pursuant to an  
execution and levy on served May 10, 2019, to an  
including December 31, 2020,

Index No.

-against-

HC2 Holdings Inc.,

Respondent-Garnishee.

----- X

**GERALD E. SINGLETON**, attorney duly licensed to practice law in the courts  
of the State of New York, hereby affirms under penalty of perjury as follows:

1. I am an Assistant Corporation Counsel in the Affirmative Litigation  
Division of the Office of the Corporation Counsel, attorneys for the Petitioner and Judgment  
Creditor, The City of New York (the "City"), and respectfully submit this affirmation in  
support of the City's petition for a judgment, pursuant to CPLR § 5227, extending an execution  
and levy that was served by the sheriff on respondent-garnishee HC2 Holdings Inc. on May 10,  
2019, to and including December 31, 2020.

2. I am fully familiar with the facts and circumstances set forth herein  
based on my personal involvement with the matters described herein and a review of the

records hereinafter cited. As to matters stated upon information and belief, I believe them to be true.

3. On March 25, 2019, a judgment was filed, entered and duly docketed in the New York County Clerk's Office under Index No. 450328/19 in favor of the City against judgment debtors Harbinger Capital Partners Offshore Manager, LLC and Philip Falcone in the amount of \$2,690,100.00. A true copy of the said judgment is annexed hereto as Exhibit A.

4. The City has acted diligently to collect the judgment and it received a payment of \$50,000 from the judgment debtors on April 8, 2019 as well as a payment of \$215,000 that was paid to the Sheriff on June 11, 2019. In addition, the Sheriff has collected three payments of \$2,307.69 pursuant to an ongoing income execution served on the judgment debtor Philip Falcone and HC2 Holdings Inc. as garnishee. As of today, the sum of \$2,514,941.49 remains due under the judgment, with poundage of \$125,708.23 remaining payable .

5. On May 2, 2019, the City caused an information subpoena to be served on HC2 Holdings Inc., which is a publicly traded company with its principal place of business at 450 Park Avenue, New York that trades on the New York Stock exchange under the ticker symbol HCHC. The judgment debtor Philip Falcone has been employed as the Chairman, President and Chief Operating Officer of HC2 Holdings Inc. since May of 2014.

6. Pursuant to the information subpoena, the general counsel of H2CHoldings, Inc. disclosed that the judgment debtor Philip Falcone will be entitled to receive shares of unrestricted common and various cash incentive bonus payment, which will be deliverable or payable in 2019 and 2020, if Mr. Falcone is still employed by the company. Among other things, the sum of \$544,532 will be payable to Philip Falcone as an annual cash



incentive payment under the Company's Bonus Plan on or before 12/31/2019 and an additional \$1,625,469 will be payable on or before 12/31/2020. A true copy of HC2 Holdings Inc.'s response to the information subpoena is annexed hereto as Exhibit B.

7. On May 10, 2019, the City delivered an execution to the Sheriff containing a notice to HC2 Holdings Inc. as garnishee, with respect to the annual cash incentive payments and the stock options or other rights to purchase shares of common stock of HC2 Holdings Inc. The Sheriff served the execution and levy on HC2 Holdings Inc. on May 10, 2019. A true copy of said Execution with Notice to Garnishee and the affidavits of service by the Sheriff's office are collectively annexed hereto as Exhibit C.

8. Unless extended, the execution and levy served on HC2 Holdings Inc. on May 10, 2019 will become void on August 8, 2019, which is ninety (90) days after service thereof. The City respectfully requests that the execution and levy served on HC2 Holdings Inc. be extended to and including December 31, 2020. Pursuant to CPLR § 5232, the execution and levy remain in effect during the pendency of this application.

9. The City has acted diligently to locate property belonging to the judgment debtor that can be used to satisfy its judgment by, among other things, conducting asset searches, reviewing property records, and examining tax returns and other documents provided by the judgment debtor. The City learned that, with the notable exception of the aforementioned cash incentive payments and stock awards payable or deliverable to Mr. Falcone by HC2 Holdings Inc. in 2019 and 2020, most other property in which the judgment debtor has an interest is held in the names of various limited liability companies controlled by the judgment debtor and is already encumbered and subject to security interests. Accordingly,

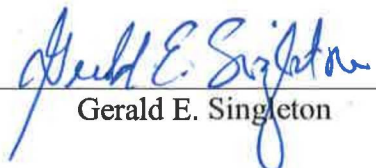
the City will be prejudiced if the execution and levy served on HC2 Holdings Inc. is not extended by this Court to and including December 31, 2020.

10. The judgment debtor recently advised the City that the cash incentive payment payable in 2019 will be paid in the near future.

11. Pursuant to CPLR § 5232, this Court may extend the time to perfect a levy after the levy is made by service of an execution. *See also* Siegel New York Practice, § 496, p.871 (discussing steps available to a judgment creditor to perfect its levy after service of its execution on a garnishee by the sheriff, and noting that one option is “for the creditor merely to secure an extension of the 90 day period. This the creditor can do by motion, and the extension will be whatever time the court allows...”). CPLR § 5232 (a) states, in relevant part: “At the expiration of ninety days after a levy is made by service of the execution, *or of such further time as the court, on motion of the judgment debtor* or support collection unit has provided, the levy shall be void except as to property or debts which have been transferred or paid to the sheriff or to the support collection unit or as to which a proceeding under sections 5225 or 5227 has been brought.” Additionally, CPLR § 5240 states that “[t]he court may at any time, on its own initiative or the motion of any interested party, and upon such notice as it may require, make an order denying, limiting, conditioning, regulating, extending or modifying the use of any enforcement procedure.”

12. Based on the foregoing, the City respectfully requests the entry of a judgment extending the effectiveness of the execution and levy that was served by the Sheriff on respondent-garnishee HC2 Holdings Inc. on May 10, 2019, to and including December 30, 2020.

Dated: New York, New York  
August 7, 2019

  
\_\_\_\_\_  
Gerald E. Singleton

**INDEX NO**

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

In the Matter of the Application of

THE CITY OF NEW YORK,

Petitioner-Judgment Creditor,

for a judgment pursuant to CPLR § 5227 extending the time in which to transfer property not capable of delivery or pay debts to the sheriff pursuant to an execution and levy served on May 10, 2019, to an including December 31, 2020,

-against-

HC2 Holdings Inc.,

Respondent-Garnishee

**Affirmation in Support of Petition**

**ZACHARY W. CARTER**  
Corporation Counsel of the City of New York

Gerald E. Singleton  
Assistant Corporation Counsel  
*Attorney for The City of New York*  
(212) 356-2036  
100 Church Street  
New York, NY 10007

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2019.....*

*..... Esq.*

*Attorney for.....*

# **EXHIBIT A**

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

----- X  
THE CITY OF NEW YORK;

Plaintiff,

v.

HARBINGER CAPITAL PARTNERS  
OFFSHORE MANAGER, LLC and PHILIP  
FALCONE,

Defendants.  
----- X

**JUDGMENT**

Index No. 450328/19

Harbinger Capital Partners Offshore Manager, L.L.C., and Philip Falcone, an officer of Harbinger Capital Partners Offshore Manager, L.L.C., having confessed judgment pursuant to CPLR 3218(a) in favor of plaintiff the City of New York in the amount of \$13,500,000 and Harbinger Capital Partners Offshore Manager, L.L.C., and Philip Falcone having authorized plaintiff the City of New York to enter judgment against them in that amount, less any payment made, if Harbinger Capital Partners Offshore Manager, L.L.C. failed to pay plaintiff the City of New York as required by the Settlement Agreement between the parties and failed to cure such non-payment within 30 days of written notice thereof; and Harbinger Capital Partners Offshore Manager, L.L.C. having made two payments of \$10,920,000 and \$375,000, but having failed to make payment of the remaining \$2,205,000 and failed to cure such non-payment within 30 days of written notice thereof,

NOW, on motion of ZACHARY W. CARTER, Corporation Counsel of the City of New York, attorney for plaintiff the City of New York,

IT IS ADJUDGED, that plaintiff the City of New York, with attorneys' office, located at 100 Church Street, New York, New York 10007, shall have Judgment and recovery of *jointly and severally* Harbinger Capital Partners Offshore Manager, L.L.C., with its office at 450 Park Ave. Fl 30, New York, NY 10022, and Philip Falcone, residing at 22 East 67<sup>th</sup> Street, New York, New York *\$ 2,205,000 with 22% collection costs of \$485,100, for a total of \$2,690,100* 10065, in the sum of *\$2,690,100, ~~without court costs~~*, and said plaintiff have execution therefor. *X*

Dated: New York, New York  
March 25 2019

*Milton J. Indig*  
CLERK

**FILED**  
MAR 25 2019  
COUNTY CLERK'S OFFICE  
NEW YORK

Index No. 450328/19

|                                                                                                                                                                                                                                                                                                                                                                              |                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>SUPREME COURT OF THE STATE OF NEW YORK<br/>COUNTY OF NEW YORK</b>                                                                                                                                                                                                                                                                                                         |                      |
| <b>CITY OF NEW YORK,</b>                                                                                                                                                                                                                                                                                                                                                     | <b>Plaintiff,</b>    |
| <b>- against -</b>                                                                                                                                                                                                                                                                                                                                                           |                      |
| <b>HARBINGER CAPITAL PARTNERS OFFSHORE<br/>MANAGER, LLC and PHILIP FALCONE,</b>                                                                                                                                                                                                                                                                                              | <b>Defendant(s).</b> |
| <b>JUDGMENT</b>                                                                                                                                                                                                                                                                                                                                                              |                      |
| <p style="text-align: center;"><b>ZACHARY W. CARTER</b><br/> <i>Corporation Counsel of the City of New York</i><br/> <i>Attorney for Plaintiff</i><br/> <i>100 Church Street Room 20-83</i><br/> <i>New York, N.Y. 10007</i></p> <p style="text-align: center;"><i>Of Counsel: Sabita Krishnan</i><br/> <i>Tel: (212) 356-2273</i><br/> <i>Law Dept. No. 2018-071698</i></p> |                      |

**FILED AND  
DOCKETED**

MAR 25 2019  
10:07 AM

AT  
N.Y., CO. CLK'S OFFICE



**EXHIBIT B**

**Singleton, Gerald (Law)**

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**From:** Joseph Ferraro <jferraro@hc2.com>  
**Sent:** Friday, May 10, 2019 10:50 AM  
**To:** Krishnan, Sabita (Law)  
**Subject:** RE: HC2 Holdings, Inc. Response to Information Subpoena

No problem – also I have one update below to #3

**From:** Krishnan, Sabita (Law) <skrishna@law.nyc.gov>  
**Sent:** Friday, May 10, 2019 10:38 AM  
**To:** Joseph Ferraro <jferraro@hc2.com>  
**Subject:** RE: HC2 Holdings, Inc. Response to Information Subpoena

Joseph, Thank you very much for the prompt response.

Best,

Sabita Krishnan  
Senior Counsel  
Affirmative Litigation Division  
New York City Law Department  
100 Church Street, 20th Floor  
New York, NY 10007  
phone: (212) 356-2273

---

**From:** Joseph Ferraro [mailto:jferraro@hc2.com]  
**Sent:** Friday, May 10, 2019 9:56 AM  
**To:** Krishnan, Sabita (Law)  
**Subject:** HC2 Holdings, Inc. Response to Information Subpoena

Sabita – per our telephone discussion on May 7, below please find responses to the questions submitted by the City of New York in the Information Subpoena issued to HC2 Holdings, Inc. on May 2, 2019. Please let me know if you need anything else.

1. Yes, Mr. Falcone currently earns a \$600,000 base salary, paid bi-weekly.
2. Yes, HC2 has paid Mr. Falcone the portion of his 2016 annual cash incentive payment under the Company's Bonus Plan that was designated to be paid in 2019, in the amount of \$591,082.
3. HC2 has paid Mr. Falcone \$1,080,937 of his 2017 annual cash incentive payment under the Company's Bonus Plan that was designated to be paid in 2019, with a remaining balance of \$544,532 to be paid on or before 12/31/19.
4. HC2 expects to pay Mr. Falcone the portion of his 2017 annual cash incentive payment under the Company's Bonus Plan that was designated to be paid in 2020, in the amount of \$1,625,469, on or before 12/31/20 if Mr. Falcone is still employed with HC2 on that date and/or otherwise entitled to such payment.

5. Yes, HC2 has paid Mr. Falcone the portion of his 2018 annual cash incentive payment under the Company's Bonus Plan that was designated to be paid in 2019, in the amount of \$1,600,000.
6. HC2 expects to pay Mr. Falcone the portion of his 2018 annual cash incentive payment under the Company's Bonus Plan that was designated to be paid in 2020, in the amount of \$423,066, on or before 12/31/20 if Mr. Falcone is still employed with HC2 on that date and/or otherwise entitled to such payment.
7. HC2 expects to pay Mr. Falcone the portion of his 2018 annual cash incentive payment under the Company's Bonus Plan that was designated to be paid in 2021, in the amount of \$423,066, on or before 12/31/21 if Mr. Falcone is still employed with HC2 on that date and/or otherwise entitled to such payment.
8. With respect to the grant of shares of HC2 common stock under the Company's Bonus Plan from prior years 2016 and 2017, HC2 expects to deliver to Mr. Falcone stock certificates registered in his name for 374,312 and 137,024 unrestricted shares of common stock that vested on March 10, 2019 and March 15, 2019, respectively, in each case by no later than March 10, 2020 and March 15, 2020, respectively. With respect to the grant of 1,190,388 RSUs to Mr. Falcone in 2019 for 2018 performance, HC2's shareholders have yet to approve the issuance of new shares of common stock for addition to the HC2 Omnibus Equity Award plan that would underlie such RSU award. The earliest HC2 anticipates asking shareholders for such approval, which is not guaranteed, is June 2020.
9. No stock certificates for shares of Common Stock of HC2 registered in the name of Mr. Falcone are held by HC2. The transfer agent currently holds 540,000 shares of HC2 under Global Opportunities Breakaway MM LLC, of which Mr. Falcone is the managing member.
10. Mr. Falcone currently has exercisable options covering 6,543,953 shares of HC2 (none of which are presently in the money), and unvested RSUs covering 1,408,900 of HC2 (not including any 2019 grants of RSUs given HC2's shareholders have yet to approve the issuance of new shares of common stock for addition to the HC2 Omnibus Equity Award plan that would underlie such RSU awards (see Q8)).

Joseph A. Ferraro  
Chief Legal Officer  
HC2 Holdings Inc.  
450 Park Avenue, 31st Floor  
New York, NY 10022  
Office: (212) 339-5835  
Cell: (917) 532-3183  
[jferraro@hc2.com](mailto:jferraro@hc2.com)

CONFIDENTIALITY NOTICE: This communication and any attachment(s) may contain information that is legally privileged or confidential and is intended only for the use of the individual(s) or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, copying or disclosure of this communication and any attachment(s) is strictly prohibited. If you have received this communication in error, please notify us immediately then permanently destroy this communication without making a copy. Thank you for your cooperation.

# **EXHIBIT C**

**THE JUDGMENT CREDITOR IS THE STATE OF NEW YORK,  
OR ANY OF ITS AGENCIES OR MUNICIPAL CORPORATIONS,  
AND/OR THE DEBT ENFORCED IS FOR CHILD SUPPORT,  
SPOUSAL SUPPORT, MAINTENANCE OR ALIMONY.**

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

-----X

**THE CITY OF NEW YORK,**

**Judgment Creditor,**

**-against-**

**INDEX NO. 450328/19**

**HARBINGER CAPITAL PARTNERS OFFSHORE  
MANAGER, LLC and PHILIP FALCONE,**

**EXECUTION WITH  
NOTICE TO GARNISHEE**

**Judgment Debtors.**

-----X

**THE PEOPLE OF THE STATE OF NEW YORK  
TO THE SHERIFF OF THE CITY OF NEW YORK, GREETING:**

**WHEREAS,** on March 25, 2019, Judgment was duly docketed by the County Clerk for the County of New York, in favor of the City of New York, as Judgment Creditor and against Harbinger Capital Partners Offshore Manager, LLC and Philip Falcone, as Judgment Debtors, in the amount of \$2,690,100, of which \$2,690,100, plus interest from the date of judgment remains unpaid.

**NOW, THEREFORE, WE COMMAND YOU** to satisfy the judgment out of the real and personal property of the above named judgment debtor and the debts due to him; and that only the property in which the judgment debtor who is not deceased has an interest or the debts owed to him shall be levied upon or sold hereunder; **AND TO RETURN** this execution to the clerk of the above captioned court within 60 days after issuance unless service of this execution is

made within that time or within extensions of that time made in writing by the attorney for the judgment creditor.

**NOTICE TO GARNISHEE:**

HC2 Holdings, Inc.  
450 Park Avenue  
New York, NY 10022

**WHEREAS**, it appears that you are indebted to the judgment debtor, above named, or in possession or custody of property not capable of delivery in which the judgment debtor has an interest, including, without limitation, the following specified debt and/or property:

**Annual cash incentive payments payable to the judgment debtor Philip Falcone and/or shares of common stock of HC2 Holdings, Inc., and/or options or other rights to purchase shares of common stock of HC2 Holding Inc. granted to the judgment debtor Philip Falcone.**


**NOW THEREFORE, YOU ARE REQUIRED** by section 5232(a) of the Civil Practice Law and Rules forthwith to transfer to the sheriff all interests, all property, and all personal property not capable of delivery in which the judgment debtor is known or believed to have an interest now in or hereafter coming into your possession or custody including any property specified in this notice; and to pay the sheriff, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor, including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment;

**AND TAKE NOTICE** that until such transfer or payment is made or until the expiration of 90 days after the service of this execution upon you or such further time as is provided by any order of the court served upon you whichever event first occurs, you are forbidden to make or suffer any sale, assignment or transfer of, or any interference with any such property, or pay over or otherwise dispose or any such debt, to any person other than the sheriff, except upon direction of the sheriff or pursuant to an order of the court;

**AND TAKE FURTHER NOTICE THAT** at the expiration of the 90 days after a levy is made by service of this execution, or of such further time as the court upon motion of the judgment creditor has provided, this levy shall be void except as to property or debts which have been transferred or paid to the sheriff or as to which a proceeding under sections 5225 or 5227 of the Civil Practice law and Rules has been brought.

Dated: May 2, 2019  
New York, New York

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York

By:   
Sabita Krishnan  
Attorney for the City of New York  
100 Church Street  
New York, New York 10007  
(212) 356-2273

INDEX NO. 450328/19

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

THE CITY OF NEW YORK,

Judgment Creditor,

- against -

HARBINGER CAPITAL PARTNERS OFFSHORE  
MANAGER, LLC and PHILIP FALCONE,

Judgment Debtors.

**EXECUTION  
WITH NOTICE TO GARNISHEE**

**ZACHARY W. CARTER**  
*Corporation Counsel of the City of New York  
Attorney for Judgment Creditor  
100 Church Street,  
New York, N.Y. 10007*

*Of Counsel: Sabita Krishnan*

*Tel: (212) 356-2273*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2019*

*.....Esq.*

*Attorney for... ..*





**SHERIFF'S CERTIFICATE OF SERVICE ON CORPORATION, PARTNERSHIP OR GOVERNMENTAL SUBDIVISION**

Docket # 450328/19

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

Sheriff's Case # 19019955

-----X

CITY OF NEW YORK

JUDGMENT CREDITOR,

VS

**HARBINGER CAPITAL PARTNERS OFFSHORE  
MANAGER, LLC & PHILIP FALCONE**

JUDGEMENT DEBTORS,

-----X

STATE OF NEW YORK)  
COUNTY OF NEW YORK) SS:

I, DAVID CHU, Deputy Sheriff of the City and State of New York, authorized pursuant to my special duties to serve process, hereby certify that: I am not a party to this action or proceeding and over 18 years of age. I further certify that on 5/10/2019, at approximately 2:10 PM at 450 PARK AVENUE 29<sup>TH</sup> FLOOR in the borough of MANHATTAN, County of NEW YORK, I served the annexed: SHERIFF'S GARNISHEE LEVY AND PROPERTY EXECUTION WITH NOTICE TO GARNISHEE upon HC2 HOLDINGS, INC in the following manner:

**[X] PERSONAL SERVICE ON CORPORATION, PARTNERSHIP OR GOVERNMENTAL SUBDIVISION**

By delivering to and leaving with, ROSLYN SINGLETON, a true copy thereof. Said person stated she was EXECUTIVE ASSISTANT an agent authorized to accept service of legal process.

**[X] DESCRIPTION:**

Skin Complexion: MEDIUM      Sex: FEMALE      Approx. Age: 45      Height: 5'9"  
Weight: 160 lbs.      Hair Color: BLACK

I understand that false statements made herein are punishable as a class A misdemeanor pursuant to Penal Law §210.45.

Dated: 5/10/2019

SHERIFF OF THE CITY OF NEW YORK  
JOSEPH FUCITO

BY: \_\_\_\_\_

DAVID CHU  
DEPUTY SHERIFF  
SHIELD # 411



SHERIFF'S CERTIFICATE OF SERVICE

Personal Service

Index # 450328/19

Sheriff's Case # 19019955

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

THE CITY OF NEW YORK,

JUDGMENT CREDITOR,

-against-

HARBINGER CAPITAL PARTNERS OFFSHORE MANAGER, LLC & PHILIP FALCONE,

JUDGMENT DEBTORS,

STATE OF NEW YORK }
NEW YORK COUNTY }SS:

I, E. SEYFRIED, Deputy Sheriff of the City and State of New York, authorized pursuant to my special duties to serve process, hereby certify that: I am not a party to this action or proceeding and over 18 years of age. I further certify that on 6/13/2019, at approximately 1:15 PM at 22 EAST 67TH STREET (PRIVATE HOUSE) in the borough of MANHATTAN, county of NEW YORK, I served the annexed: SHERIFF'S LEVY (NOTICE TO GARNISHEE) & EXECUTION WITH NOTICE TO GARNISHEE upon PHILIP FALCONE, in the following manner:

[X] PERSONAL SERVICE

By delivering to and leaving with, LISA FALCONE, a person of suitable age and discretion, who stated she is the WIFE to the garnishee, a true copy thereof. Said address is the HOME of the garnishee.

[X] DESCRIPTION:

Skin Complexion: LIGHT Sex: FEMALE Approx. Age: 50
Weight: 120 Hair Color: BLACK Height: 5'-9"

[X] MAILING

On 6/13/2019, I mailed the above mentioned process (es) by first class USPS mail to the garnishee at his last known residence in an envelope bearing the legend "PERSONAL AND CONFIDENTIAL" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the garnishee.

SHERIFF OF THE CITY OF NEW YORK
JOSEPH FUCITO

Dated: 6/13/2019

BY: Sgt. E. Seyfried 1242
SGT. E. SEYFRIED
DEPUTY SHERIFF
SHIELD # 242



**SHERIFF'S CERTIFICATE OF SERVICE  
PERSONAL DELIVERY**

Index # 450328/19  
Sheriff's Case # 19019955

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

-----X

THE CITY OF NEW YORK,

JUDGMENT CREDITOR,

-against-

**HARBINGER CAPITAL PARTNERS OFFSHORE MANAGER, LLC & PHILIP FALCONE,**

JUDGMENT DEBTORS.

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STATE OF NEW YORK }  
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[X] PERSONAL DELIVERY

By delivering to and leaving with LISA FALCONE personally a true copy thereof, said person being known as the GARNISHEE mentioned and described herein.

[X] DESCRIPTION:

Skin Complexion: LIGHT                      Gender: FEMALE                      Approx. Age: 50  
Height: 5'-9"                                      Weight: 120                                      Hair Color: BLACK

SHERIFF OF THE CITY OF NEW YORK  
JOSEPH FUCITO

Dated: 6/13/2019

BY: Sgt. E. Seyfried #242  
SGT. E. SEYFRIED  
DEPUTY SHERIFF  
SHIELD # 242