

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19 CVS 1317

ALC MANUFACTURING, INC. d/b/a
Rocky Ridge Custom Trucks,

Plaintiff,

v.

J. STREICHER & CO., LLC; and
BBP BANDENIA, PLC,

Defendants.

**ORDER ON REQUEST FOR A STAY
OF PROCEEDINGS**

1. **THIS MATTER** is before the Court upon a document titled “Request for a Stay of Proceedings” dated June 13, 2019 (the “Request”) sent via Royal Mail by Fabio Pastore, who purports to be a Director and the Chief Executive Officer of Defendant BBP Bandenia, PLC (“Bandenia”) in the above-captioned case. A copy of the Request and Pastore’s correspondence enclosing the Request are attached hereto as Exhibit A.

2. Plaintiff filed its Complaint on January 22, 2019 and served a copy of the Summons and Complaint on Bandenia on January 24, 2019 and again on February 15, 2019. (*See* Aff. Service Def. Bandenia, ECF No. 24.) Bandenia did not file a notice of appearance, a responsive pleading, or any other documents with the Court or the Mecklenburg County, North Carolina Clerk of Superior Court. The Court entered default against Bandenia on April 30, 2019. (Order Entering Default, ECF No. 32.) By Order dated June 4, 2019, the Court entered judgment against Bandenia. (Order Pl.’s Verified Mot. Default J., ECF No. 33.)

3. The Request, which was delivered to the Court's chambers on June 25, 2019, consists of (i) a notarized correspondence to the Court from Pastore, in which Pastore contests the adequacy of Plaintiff's service on Bandenia and attacks the merits of Plaintiff's claim against Bandenia; (ii) a notarized "Request for a Stay of Proceedings" through which Pastore requests that the Court stay this proceeding for at least six weeks to allow Bandenia "to receive the necessary documents from the Plaintiff to mount a defense[;]" (iii) a draft, unsigned Case Management Order, (iv) Plaintiff and Defendant J. Streicher & Co., LLC's April 9, 2019 Joint Motion for Issuance of Consent Protective Order; (v) a transmittal letter from Plaintiff's counsel to Bandenia dated April 11, 2019 enclosing Plaintiff's Verified Motion for Entry of Default and Default Judgment Against Defendant BBP Bandenia, PLC; and (vi) Plaintiff's Memorandum of Law in Support of Motion for Entry of Default and Default Judgment Against Defendant BBP Bandenia, PLC.

4. The Court has carefully reviewed the Request and accompanying documents and concludes that the Request is not properly before the Court and may not be considered or granted as currently presented. In particular, the Request was not filed with the Mecklenburg County, North Carolina Clerk of Superior Court or through the Court's electronic filing system and otherwise does not comply with the North Carolina Rules of Civil Procedure and the North Carolina General Rules of Practice for the Superior and District Courts. Moreover, under well-established North Carolina law, a corporation may not represent itself in the superior courts of this State and must instead be represented by a duly admitted and licensed attorney

authorized to appear before this Court. *See LexisNexis, Div. of Reed Elsevier, Inc. v. Travishan Corp.*, 155 N.C. App. 205, 209, 573 S.E.2d 547, 549 (2002) (holding that “in North Carolina a corporation must be represented by a duly admitted and licensed attorney-at-law and cannot proceed pro se”).

5. **WHEREFORE**, for the reasons set forth above, the Court shall not consider or grant the Request as presently made. The Court certifies that it has sent a copy of this Order, via e-mail, to the Bandenia representatives reflected in the Request: (i) Fabio Pastore (at f.pastore@bandenia.com) and (ii) Valerio T. Tarantino (at valerio.tarantino@bandenia.com).

SO ORDERED, this the 26th day of June, 2019.

/s/Louis A. Bledsoe, III
Louis A. Bledsoe, III
Chief Business Court Judge

Exhibit A

NORTH CAROLINA
Mecklenburg COUNTY

ALC Manufacturing Inc d/b/a
Rocky Ridge Trucks

IN THE GENERAL COURT OF
JUSTICE Louis A. Bledsoe, 111
DISTRICT COURT
DIVISION FILE NO.:
19-CVS-1317

Plaintiff,

VS.

J. Streicher & Co., LLC and
BBP Bandenia Plc

Defendant.

REQUEST FOR A
STAY OF PROCEEDINGS



I, MR FABIO PASTORE Director of BBP Bandenia Plc, one of the defendants would like to request a stay of proceedings in this case as I have not received the necessary documents from the Plaintiff to mount a defense. I am concerned about the fraudulent background to this case and the claim, which BBP Bandenia Plc has been attached to after a Judgement in the original case. Please see attached/enclosed letter.

A stay of proceedings would postpone a hearing in this case if it were granted and allow BBP Bandenia Plc to receive the necessary documents from the Plaintiff to mount a defense. Six weeks should be adequate.

This the 13th day of June 2019.

BBP Bandenia Plc - FABIO PASTORE - CEO

Defendant

I, Owen Thomas Lowry Notary Public do hereby certify that FABIO PASTORE

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 13th day of JUNE 2019.

Owen Thomas Lowry
Notary Public



NOTARY PUBLIC



REQUEST FOR A STAY OF PROCEEDINGS

The General Court of Justice
Superior Court Division
9 VS-1317
State of North Carolina
County of Mecklenburg

Date: 13th June 2019

Mailing address
Mecklenburg County Courthouse
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Charlotte, NC 28237-7971

Telephone: (704) 686-0400

Copy to: The Honourable Judge, Louis A. Bledsoe, 111
Chief Business Court Judge

Copy to: Everett Gaskins Hancock
LLP
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J. Streicher Capital, LLC
J. Streicher Group, LLC

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J. Streicher Capital, LLC 55
Broadway, #303, New York City,
New York, 10006, USA

J. Streicher Group, LLC



REQUEST FOR A STAY OF PROCEEDINGS

Dear Honourable Judge, Louis A. Bledsoe, 111.

Please forgive any lack of protocol in bringing the following to the attention of the Court.

Please find attached request for a STAY OF PROCEEDINGS

The following documents have just been drawn to my attention today. 13th June 2019.

- 1: Copy of a Case Management Order unpaginated. Consisting of 8 pages.
- 2: Copy of a Joint Motion For Issuance Of Consent Protective Order. Paginated consisting of 3 & 14 pages.
- 3: Copy of letter from Everett Gaskins Hancock LLP. Signed Brandilyn C Hensley assistant to Adam L Ross.
- 4: Copy of Memorandum Of Law In Support Of Motion For Entry Of Default And Default Judgement Against Defendant BBP Bandenia Plc.

My name is FABIO PASTORE and I am the Chief Executive Director of BBP BANDENIA PLC under company No. 04649808 with the company's registered office at, Holland House Gherkin Piazza, 1-4 Bury Street, London, EC3A 5AW. England.

For the avoidance of doubt the documents as listed above, as attached and enclosed are the only official documents I have received regarding any case against the company by the Attorneys acting for, ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks.

For the sake of clarity may I state the following.

The registered office is in a serviced office suite. All BBP Bandenia Plc documents should be delivered to our office and not to the building's reception.

When it comes to signing for any documents a member of BBP Bandenia Plc must sign for documents.

A handwritten signature in black ink, appearing to be 'F. Pastore', with a small '2' written at the end of the signature.

Everett Gaskins Hancock LLP couriered or posted documents that needed to be signed for, then only an officer of BBP Bandenia Plc or at the very least a member of staff of BBP Bandenia Plc could sign receipt of such documents. It's clear that this did not happen, as if a BBP Bandenia staff member signed for documents I would have received them.

It was only the result of the building reception clearing out the mail room that I received the above listed copy documents.

So, I am at a disadvantage as to know what exactly is going on between ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks and J. Streicher & Co, LLC, J. Streicher Capital, LLC, J. Streicher Group, LLC.

Bulent Osman was appointed secretary of BBP Bandenia Plc on 15 June 2017.

In the UK information on any registered company is a matter of public record which information can be obtained "free of charge" from Companies House.

A draft agreement in the form of an understanding was created and BBP Bandenia Plc advanced £200,000.00 GBP subject to certain events happening none of which transpired.

No definitive agreement was signed by a Director of BBP Bandenia Plc. An agreement of that nature would require me (FABIO PASTORE) as acting CEO to sign a fully bound agreement endorsed on the bottom of each page and sealed This never happened

My understanding is that a draft agreement was entered into (subject to conditions), outlining an understanding. Bulent Osman had authority to enter into negotiations and the authority to enter into a memorandum of understanding but not the authority to enter into a definitive contract. All parties were aware of this.

I note that James M Hash, Brandilyn C Hensley of Everett Gaskins Hancock LLP, Attorneys for, ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks are addressing mail to Bulent Osman as a Director of BBP Bandenia.

This needs to be rectified and all future correspondence should be addressed to:

FABIO PASTORE
DIRECTOR - CEO
BBP BANDENIA PLC

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quick outline to the background to BBP Bandenia Plc's involvement.
BBP Bandenia Plc were approached by Jeff Priebe and others to recapitalize
J. Streicher & Co, LLC and the general J. Streicher group. ("Streicher")

BBP Bandenia Plc at this stage were not aware of any outstanding issues
with ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks

The name ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks came up at a
later date.

The Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) Jeff Priebe
and J Streicher all seem to be friends. At least that was my recollection and
Jeff Priebe acted as a go between.

It is worth bearing in mind "that I now know" that ALC Manufacturing Inc
d/b/a, Rocky Ridge Trucks, Jeff Priebe and J Streicher are all in dispute with
each other and its history goes back before BBP Bandenia Plc were
introduced to any of the involved parties.

Following that flow it is very clear that BBP Bandenia Plc were a target of
these fraudsters from the very beginning. And that BBP Bandenia Plc were
lured with false promises so that BBP Bandenia Plc would fund whatever
fraudulent activity they were involved in.

As far as BBP Bandenia Plc are concerned the plaintiff (ALC Manufacturing
Inc d/b/a, Rocky Ridge Trucks) were acting in concert with Jeff Priebe,
Streicher and others to defraud BBP Bandenia Plc.

Now on the Public Record the Plaintiff (ALC Manufacturing Inc d/b/a, Rocky
Ridge Trucks) by their own admissions recognize that Streicher were acting
fraudulently as earlier than June 2016 prior to ANY involvement by BBP
Bandenia Plc.

The Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) had a legal
and moral obligation to disclose to BBP Bandenia Plc that Streicher were
acting fraudulently, but they choose not to. Instead they acted in cahoots with
Jeff Priebe, Streicher and others to defraud BBP Bandenia Plc.

If the Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) had
informed BBP Bandenia Plc that Jeff Priebe, Streicher and others were acting
fraudulently then BBP Bandenia Plc would not have been involved in any
negotiations.

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It is clear that the Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) were only concerned with obtaining some form of settlement (basically money) and were not concerned with the continuing the fraud of Jeff Priebe, Streicher and others.

The Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) played along with Jeff Priebe, Streicher and others to assure BBP Bandenia Plc that everything was above board, while at the same time they were directing and threatening (and taking) legal and criminal action against Jeff Priebe, Streicher and others.

If an agreement is fraudulent by its very nature, which The Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) claims it was then BBP Bandenia Plc feels entitled to ask for all actions against BBP Bandenia Plc to be dismissed.

BBP Bandenia Plc also reserves its right to take action against all parties for their participation in inducing BBP Bandenia into an arrangement that they knowingly knew to be a fraudulent arrangement.

Any referred to settlement agreement is invalid as it is founded on fraud and its performance was pursued in a fraudulent style. Likewise, any referred to breach of the referred to settlement agreement is misrepresented as all negotiations and arrangements were based on the false representations made by the Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) and Jeff Priebe, Streicher and others.

At the very least the Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) along with the legal representatives whether they be the representatives of the Plaintiff or the Defendants Jeff Priebe, Streicher and others, should have alerted BB Bandenia Plc as to the fraudulent activities of Jeff Priebe, Streicher and others.

Once it was drawn to the attention BBP Bandenia Plc that in fact all the negotiations between Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) and Jeff Priebe, Streicher and others were fraudulent from the start, BBP Bandenia Plc requested a disengagement and a return to the status quo.

By this time BBP Bandenia Plc had already parted with \$200,000.00, but this is not an admission that any money was owe, this is just evidence that BBP Bandenia Plc were defrauded.

take Legal Action in the USA is notoriously expensive and Court decisions seem to favor local Parties. So BBP Bandenia Plc decided "at that time" not to take action. But it seems we have little choice. BBP Bandenia Plc does not carry out any of its business activities in the USA.

Summary

BBP Bandenia Plc is at a clear disadvantage as they were never correctly served and are not in possession of all the documents to mount a defense against these claims by the Plaintiff (ALC Manufacturing Inc d/b/a, Rocky Ridge Trucks) which by their own words are claimed to be fraudulent representations by Jeff Priebe, Streicher and others from the outset.

BBP Bandenia Plc is a victim.

I am prepared to play speedy catch up, as to me it's a simple case of fraud against BBP Bandenia Plc, but I will need full service of the bundle so I can mount a defense.

SO I NEED TO REQUEST FOR A STAY OF PROCEEDINGS

Yours sincerely

FABIO PASTORE



DIRECTOR - CEO - BBP BANDENIA PLC

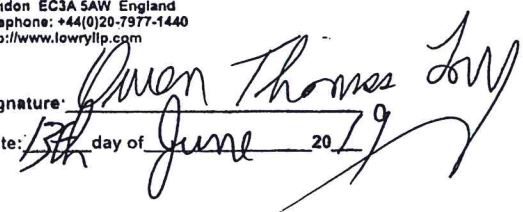
Email: f.pastore@bandenia.com

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This document was signed in the presence of
Owen Thomas Lowry - B.A., LL.B.
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Lowry LLP-Notaries Public
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Telephone: +44(0)20-7977-1440
<http://www.lowryllp.com>

Signature:

Date: 15th day of June 2019



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