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NICHOLAS OSTUNI, J.S.C.

Adam K. Derman, Esq. (007131995)
James Van Splinter, Esq. (019382005)
Renée M. Shafran, Esq. (289262019)
CHIESA SHAHINIAN & GIANTOMASI PC
105 Eisenhower Parkway
Roseland, NJ 07068
973.325.1500
aderman@csglaw.com
jvansplinter@csglaw.com
rshafran@csglaw.com
*Attorneys for Saro Hartounian,
Nareg Hartounian, and Hyegate, LLC*

SARO HARTOUNIAN, NAREG
HARTOUNIAN and HYGATE, LLC,

Plaintiffs,

vs.

VAN Z. KRIKORIAN,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: BERGEN
COUNTY

DOCKET NO. BER-C-000287-25

Civil Action

**ORDER GRANTING PRELIMINARY
INJUNCTION**

THIS MATTER having been opened to the Court by way of application, by Order to Show Cause with Temporary Restraints, of Chiesa Shahinian & Giantomasi PC, counsel for Plaintiffs Saro Hartounian (“Saro”), Nareg Hartounian (“Nareg”), and Hyegate, LLC (“Hyegate”) (collectively, “Plaintiffs”), for the entry of an Order of Preliminary Injunction pursuant to Rule 4:52-1 of the New Jersey Court Rules enjoining Defendant Van Z. Krikorian (“Defendant”) from (i) taking any unilateral action on purported behalf of Hyegate and/or its subsidiaries DAP LLC (“DAP”) and Aragats Perlite OJSC (“AP”) (collectively, the “Subsidiaries”) during the pendency of this litigation; (ii) publicizing or disseminating to third-parties any Confidential Information of Hyegate and/or the Subsidiaries; (iii) taking any action adverse to the business interests of Hyegate and/or the Subsidiaries; and (iv) taking any action

that would violate the Amended and Restated Limited Liability Company Operating Agreement of Hyegate LLC and/or the governing documents of any of the Subsidiaries; and granting such other relief as the Court deems just and proper; Defendant having notice of Plaintiffs' application; and the Court having considered:

- Plaintiffs' December 9, 2025 Verified Complaint and the Exhibits attached thereto;
- Plaintiffs' December 9, 2025 Memorandum of Law in support of their application for a Preliminary Injunction with Temporary Restraints;
- Defendant Van Z. Krikorian's December 22, 2025 Memorandum of Law in support of his application to stay this action and compel arbitration;
- The December 22, 2025 Certification of Jose M. Jara, Esq. and Exhibits attached thereto;
- Plaintiffs' January 2, 2026 Memorandum of Law in opposition to Defendant's application to stay this action and compel arbitration;
- Defendant's January 7, 2026 Reply Memorandum of Law in further support of Defendant's application to stay this action and compel arbitration;
- Defendant's January 21, 2026 Memorandum of Law in opposition to Plaintiff's application for a Preliminary Injunction;
- The January 21, 2026 Certification of Defendant Van Z. Krikorian and Exhibits attached thereto;
- Plaintiffs' January 28, 2026 Memorandum of Law in further support of their application for a Preliminary Injunction;
- The January 28, 2026 Certification of Plaintiff Saro Hartounian and Exhibit attached thereto;
- The January 28, 2026 Certification of Plaintiff Nareg Hartounian;
- The January 28, 2026 Certification of Adam K. Derman, Esq. and Exhibits attached thereto;
- The February 2, 2026 (corrected on February 3, 2026) sur-reply Certification of Defendant Van Z. Krikorian and Exhibits attached thereto;

and the Court having conducted a hearing on the Order to Show Cause with Temporary Restraints

on January 9, 2026 during which the Court heard and considered the arguments of counsel and a brief statement under oath of Defendant Van Z. Krikorian and the Court having entered a Temporary Restraining Order on January 20, 2026; and the Court having conducted a hearing on Plaintiffs' application for preliminary injunctive relief on February 5, 2026 during which the Court heard and considered the arguments of counsel; and for the reasons set forth on the record at the February 5, 2026 hearing, and good cause having been shown,

IT IS on this 5th day of March, 2026

ORDERED that:

A. Defendant is hereby preliminarily enjoined from: (i) taking any unilateral action on behalf of Hyegate and/or the Subsidiaries during the pendency of this litigation, (ii) publicizing or disseminating to third-parties any Confidential Information of Hyegate and/or the Subsidiaries; (iii) taking any action adverse to the business interests of Hyegate and/or the Subsidiaries; and (iv) taking any action that would violate the Amended and Restated Limited Liability Company Operating Agreement of Hyegate LLC and/or the governing documents of any of the Subsidiaries; **however, the terms of this preliminary injunction are not intended, and shall not be construed, to prevent Defendant from any legally protected activities;**

B. Pursuant to the Court's January 20, 2026 Order, upon the entry of the within Order, this matter shall be stayed pending the completion of arbitration between the parties concerning the claims set forth in the Verified Complaint (the "Claims") or pending any decision by the Arbitrators as to the lack of arbitrability of any or all of the Claims.

C. Plaintiffs shall initiate arbitration proceedings with the New York City, New York branch of the American Arbitration Association concerning the Claims within twenty (20) calendar days of Plaintiffs' receipt of this entered Order (by electronic notification or other

means). If Plaintiffs fail to timely initiate said arbitration proceedings the preliminary injunctive relief set forth in Paragraph A of this Order shall expire upon the expiry of twenty (20) calendar days from the date of their receipt of this entered Order (by electronic and other means).

D. Provided that Plaintiffs timely initiate arbitration proceedings pursuant to Paragraphs B & C above, this Order shall remain in full force and effect during the pendency of such arbitration proceedings; provided, however, that nothing in this Order shall be deemed to prevent or prohibit Defendant from applying to the arbitral tribunal to amend or lift the injunctive relief entered herein.

~~FOR, IN THE ALTERNATIVE: D. Provided that Plaintiffs timely initiate arbitration proceedings pursuant to Paragraphs B & C above, this Order shall remain in full force and effect during the pendency of such arbitration proceedings; provided, however, that nothing in this Order shall be to prevent the arbitral tribunal from amending or vacating the Order upon a showing of changed factual or legal circumstances which would compel the amendment or dissolution of the injunctive relief entered herein.~~

E. A copy of this Order shall be served on all parties within 7 days of its receipt by counsel for Plaintiffs.


HONORABLE NICHOLAS OSTUNI, SR., J.S.C.

This Court has considered defendant's March 4, 2026 correspondence, specifically his proposed language for paragraph D. of the within Order. This Court finds the above language is consistent with this Court's stated order on the record and reflective of what this Court has indeed ordered. Accordingly, this Court rejects defendant's proposed language and has⁴ signed the within order inclusive of plaintiff's paragraph D. language.