

FILED

JAN 20 2026

*Prepared by this Court***NICHOLAS OSTUNI, J.S.C.**SARO HARTOUNIAN and 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 TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52 AND
ORDER COMPELLING THIS MATTER
TO ARBITRATION**

THIS MATTER having been opened to the Court by way of application of Chiesa Shahinian & Giantomasi PC, counsel for Plaintiffs Saro Hartounian (“Saro”), Nareg Hartounian (“Nareg”), and Hyegate, LLC (“Hyegate”) (collectively, “Plaintiffs”), for entry of an Order to Show Cause as to why an Order should not be entered pursuant to Rule 4:52-1 of the New Jersey Court Rules (a) for a preliminary injunction during the pendency of this litigation: (i) enjoining Defendant Van Z. Krikorian (“Defendant”) from taking any unilateral action on purported behalf of Hyegate and/or its subsidiaries DAP LLC (“DAP”) and Aragats Perlite OJSC (“AP”) (the “Subsidiaries”) during the pendency of this litigation; (ii) enjoining Defendant from publicizing or disseminating to third-parties any Confidential Information of Hyegate and/or the Subsidiaries; (iii) enjoining Defendant from taking any action adverse to the business interests of Hyegate and/or the Subsidiaries; (iv) and enjoining Defendant from 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 (b) granting such other relief as the Court deems just and proper (the “Plaintiffs’ Application”); and the Court having also considered Defendant’s motion to stay this action and compel arbitration; and the

Court having reviewed the Verified Complaint and Exhibits thereto, the respective Memoranda of Law submitted by counsel, the oral arguments of counsel, and a brief statement under oath of Defendant at the January 9, 2026 hearing; and good cause having been shown,

IT IS on this 20th day of January, 2026;

ORDERED that Defendant shall appear and show cause before the Superior Court, Chancery Division, Bergen County, Bergen County Courthouse, 10 Main Street, Hackensack, New Jersey 07601, on the **4th day of February 2026, at 2:00 p.m.** (the "Return Date"), as to why an Order should not be entered as follows:

- A. Preliminarily enjoining Defendant Van Z. Krikorian ("Defendant") (i) from 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) from publicizing or disseminating to third-parties any Confidential Information of Hyegate and/or the Subsidiaries; (iii) from taking any action adverse to the business interests of Hyegate and/or the Subsidiaries; (iv) from 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
- B. Granting such other relief as the Court deems just and proper.

IT IS FURTHER ORDERED that, during the pendency of this application, Defendant shall be temporarily restrained (and this Order being the entry of a temporary restraining order) and shall not (i) take any unilateral action on purported behalf of Hyegate and/or the Subsidiaries during the pendency of this application, (ii) publicize or disseminate to third-parties any Confidential Information of Hyegate and/or the Subsidiaries; (iii) take any action adverse to the business interests of Hyegate and/or the Subsidiaries; or (iv) take 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 temporary restraining order are not intended, and shall not be construed, to prevent Defendant from any legally protected activities.**

Defendant may move to dissolve or modify the forementioned temporary restraints on two (2) days' notice to Plaintiffs; and

IT IS FURTHER ORDERED that Defendant shall file and serve any written response to this Order to Show Cause with the Clerk of this Court by January 21, 2026. Defendant shall file response papers with this Court and shall simultaneously deliver copies of such papers to counsel for Plaintiffs either (a) by New Jersey e-Courts, or (b) by electronic mail to Plaintiffs' attorneys whose names and address appear above. Such delivery to Plaintiffs' counsel shall be completed by 5:00 p.m. on the date due; and

IT IS FURTHER ORDERED that Plaintiffs shall file and serve any reply papers through New Jersey e-Courts by January 28, 2026. Plaintiffs shall file reply papers with this Court and shall simultaneously deliver such papers to counsel for Defendant either (a) by New Jersey e-Courts, or (b) by electronic mail. Such delivery to Defendant's counsel shall be completed by 5:00 p.m. on the date due; and

IT IS FURTHER ORDERED that if Defendant does not file and serve a written response to this Order to Show Cause, the application will be decided on the papers on the Return Date and relief may be granted by default, provided that Plaintiffs file a proof of service and a proposed form of Order at least three (3) days prior to the Return Date; and

IT IS FURTHER ORDERED that Defendant's motion to stay this action and compel arbitration is **GRANTED**, except with respect to Defendant's request for attorneys' fees and costs. Following entry of an Order resolving Plaintiffs' pending application for preliminary injunctive relief as addressed above, the action shall be stayed pending the completion of arbitration between the parties concerning the claims set forth in the Verified Complaint filed in this action (the "Claims") or pending any decision by the Arbitrators as to the lack of arbitrability

of any or all of the Claims.

IT IS FURTHER ORDERED that Plaintiffs shall file their arbitration within thirty (30) days of the Court's ruling on the Plaintiffs' Application for preliminary injunctive relief in aid of such anticipated arbitration.


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