

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

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JOHN R. LUCKER, ELIZABETH A. LUCKER,
NANCY L. ROUSSEAU, LYNN COHEN and
FRAN GOLDSTEIN as representatives of a class
consisting of themselves and all others similarly
situated,

Plaintiffs,

- against -

BAYSIDE CEMETERY, CONGREGATION
SHAARE ZEDEK, and COMMUNITY
ASSOCIATION FOR JEWISH AT-RISK
CEMETERIES, INC.,

Defendants.

:
: Index No. 114818/2009-E

:
: Part 59

:
: Justice Debra A. James

:
: **DEFENDANT COMMUNITY**
: **ASSOCIATION FOR JEWISH**
: **AT-RISK CEMETERIES, INC'S**
: **NOTICE OF MOTION TO**
: **DISMISS THE COMPLAINT**
: **PURSUANT TO CPLR 3211(a)**

Oral Argument Requested

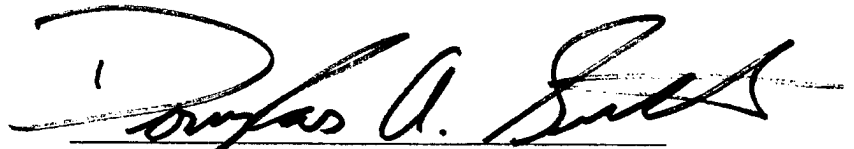
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PLEASE TAKE NOTICE that upon the Affirmation of Douglas A. Smith,
together with the exhibits annexed thereto and defendant Community Association for Jewish At-
Risk Cemeteries, Inc's ("CAJAC") Memorandum of Law in Support of Their Motion to Dismiss
the Action in its Entirety Pursuant to CPLR 3211(a), CAJAC, by its undersigned attorney, will
move this Court, at the Motion Submission Part, Room 130, at the New York Supreme Court, 60
Centre Street, New York, New York, on February 23, 2010, at 9:30 a.m., or as soon thereafter as
counsel can be heard, for an order pursuant to CPLR 3211(a) dismissing the Complaint.

PLEASE TAKE FURTHER NOTICE that, pursuant to an agreement among the
parties, Plaintiffs shall have until February 1, 2010, to serve any answering papers in opposition

to the within motion or any cross motions, and CAJAC shall have until February 15, 2010, to serve any reply papers in further support thereof.

Dated: New York, New York
December 18, 2009

A handwritten signature in black ink, appearing to read "Douglas A. Smith", written over a horizontal line.

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