

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 : Index No. 114818/2009E
FRAN GOLDSTEIN as representatives of a class :
consisting of themselves and all others similarly : DEBRA A. JAMES, J.S.C.
situated, :
: PART 59
Plaintiffs, :
: :
- against - : **AFFIRMATION OF**
: **RUSSELL M. STEINTHAL**
BAYSIDE CEMETERY, CONGREGATION :
SHAARE ZEDEK, and COMMUNITY :
ASSOCIATION FOR JEWISH AT-RISK :
CEMETERIES, INC., :
: :
Defendants. :
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RUSSELL M. STEINTHAL, an attorney duly admitted to practice before this Court, hereby affirms under penalty of perjury pursuant to CPLR 2106 as follows:

1. I am a member of the bar of the State of New York, duly admitted to practice before this Court, and represent Defendants Congregation Shaare Zedek and Bayside Cemetery in this action. I respectfully submit this affirmation in support of their motion to dismiss this action pursuant to CPLR 3211.

2. I also represented Defendants Congregation Shaare Zedek and Bayside Cemetery in earlier actions filed by the Plaintiffs herein in the U.S. District Court for the Eastern District of New York, Lucker et al. v. Bayside Cemetery and Congregation Shaare Zedek, No. 07 Civ. 3823 (RJD) (JMA), Cohen v. Bayside Cemetery and Congregation Shaare Zedek, No. 08 Civ. 3555 (RJD) (JMA), and Goldstein v. Bayside

Cemetery and Congregation Shaare Zedek, No. 08 Civ. 3923 (RJD) (JMA) (the “Federal Actions”).

3. Attached hereto as Exhibit A is a true and correct copy of a document produced by Plaintiffs during court-ordered jurisdictional discovery in the Federal Actions, bearing Bates number 000003.

4. Attached hereto as Exhibit B is a true and correct copy of a document produced by Plaintiffs during court-ordered jurisdictional discovery in the Federal Actions, bearing Bates numbers 000025 through 000027.

5. Attached hereto as Exhibit C is a true and correct copy of a subpoena *duces tecum* served by the Attorney General of the State of New York on Congregation Shaare Zedek, dated June 17, 2009.

6. Attached hereto as Exhibit D is a true and correct copy of a document produced by Plaintiffs during court-ordered jurisdictional discovery in the Federal Actions, bearing Bates number 000015.

Dated: February 15, 2010
Fort Lauderdale, Florida

s/ Russell M. Steinthal
Russell M. Steinthal