

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN R. LUCKER, ELIZABETH A. :
LUCKER, NANCY L. ROUSSEAU, :
Individually and On Behalf of All Others :
Similarly Situated, :

Plaintiffs, :

-against- :

No. 07 Civ. 3823 (RJD) (JMA)

BAYSIDE CEMETERY and :
CONGREGATION SHAARE ZEDEK, :

Defendants. :

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LYNN COHEN Individually and On :
Behalf of All Others Similarly Situated, :

Plaintiff, :

-against- :

No. 08 Civ. 3555 (RJD) (JMA)

BAYSIDE CEMETERY and :
CONGREGATION SHAARE ZEDEK, :

Defendants. :

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FRAN GOLDSTEIN, Individually and On :
Behalf of All Others Similarly Situated, :

Plaintiff, :

-against- :

No. 08 Civ. 3923 (RJD) (JMA)

BAYSIDE CEMETERY and :
CONGREGATION SHAARE ZEDEK, :

Defendants. :
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**PLAINTIFFS' NOTICE OF MOTION FOR CLASS CERTIFICATION PURSUANT
TO RULE 23 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

PLEASE TAKE NOTICE that Plaintiffs John R. Lucker, Elizabeth A. Lucker, Nancy L. Rousseau, Lynn Cohen and Fran Goldstein, by and through their pro bono attorney, upon the accompanying memorandum of law in support of Plaintiffs' Motion for Class Certification Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Declarations of Michael M. Buchman and John R. Lucker dated July 24, 2009, and other supporting papers incorporated herein, will move this Court before the Honorable Raymond J. Dearie at the United States Courthouse, United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, York, New York for an Order certifying classes as proposed below, and appointing the named Plaintiffs as class representatives. The proposed Fed. R. Civ. P. 23(b)(3) Class is defined as follows:

All persons, or relatives of persons, who purchased a perpetual care or annual care contract from a Defendant or their agents or assigns from January 1, 1970 to present.

The proposed Fed. R. Civ. P. 23(b)(2) is defined as follows:

All persons, or relatives of persons, who purchased or intend to purchase a perpetual care or annual care contract from a Defendant or their agents or assigns from January 1, 1970 to present.

WHEREFORE, for the reasons set forth in the incorporated memorandum of law and supporting papers, Plaintiffs respectfully request that this Court enter an Order certifying: (i) the proposed Class pursuant to Fed. R. Civ. P. 23(b)(3); (ii) the proposed Class pursuant to Fed. R. Civ. P. 23(b)(2); and (iii) the named plaintiffs as class representatives on behalf of the Proposed classes. Plaintiffs further request such additional relief as deemed appropriate by the Court. Oral argument on this motion is respectfully requested.

Dated: July 24, 2009
New York, New York

Respectfully submitted,

By: /s/ Michael M. Buchman
Michael M. Buchman (MB-1172)

c/o Pomerantz Haudek Grossman & Gross LLP

100 Park Avenue

New York, N.Y. 10017

Telephone: (212) 661-1100

Facsimile: (212) 661-8665

Pro Bono Counsel for Plaintiffs