

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

<p>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,</p> <p>- against -</p> <p>BAYSIDE CEMETERY, CONGREGATION SHAARE ZEDEK and COMMUNITY ASSOCIATION FOR JEWISH AT-RISK CEMETERIES, INC., Defendants.</p>	<p>Index No. 114818-2009 E</p> <p>DEBRA A. JAMES, J.S.C. Part 59</p> <p><u>ORAL ARGUMENT REQUESTED</u></p>
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NOTICE OF MOTION

Upon the attached Memorandum of Law in Support of Defendants' Motion to Dismiss the Action in its Entirety Pursuant to CPLR 3211(a), Defendants Congregation Shaare Zedek and Bayside Cemetery will move this Court (in Room 130) at 60 Centre Street, New York, New York, on the 23rd day of February, 2010, at 9:30 a.m. for an order dismissing the action in its entirety pursuant to CPLR 3211(a).

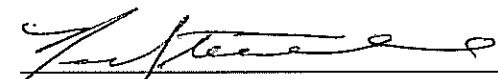
The above-entitled action is for violation of the General Business Law, breach of contract, unjust enrichment, breach of fiduciary duty, and conversion. A copy of the Complaint is annexed hereto for reference.

Pursuant to a stipulation of the parties, all papers in opposition to this motion are required to be served upon the undersigned no later than 45 days after service of this notice.

Dated: December 18, 2009
New York, New York

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By:



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