

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, :

Index No. 114818/2009-E  
Part 59

Justice Debra A. James

Plaintiffs,

- against -

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

**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**

Defendants.

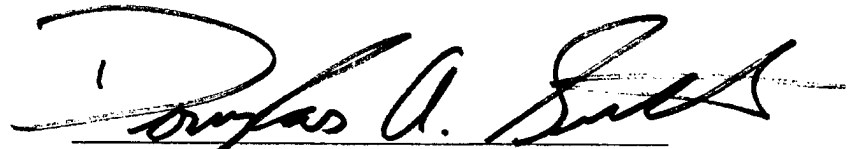
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PLEASE TAKE NOTICE that upon the Affirmation of Douglas A. Smith,  
together with the exhibits annexed thereto and defendant Community Association for Jewish At-  
Risk Cemeteries, Inc's ("CAJAC") Memorandum of Law in Support of Their Motion to Dismiss  
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



Douglas A. Smith  
Four Times Square  
New York, New York 10036  
Tel: (212) 735-3000  
Fax: (212) 735-2000  
E-mail: Douglas.Smith@probonolaw.com

*Attorney for Community Association for  
Jewish At-Risk Cemeteries, Inc.*

TO:

Stephen M. Axinn  
Russell M. Steinthal  
Axinn Veltrop & Harkrider LLP  
114 West 47th Street  
New York, New York 10036  
(212) 728-2200

*Attorneys for Defendants Congregation Shaare Zedek and Bayside Cemetery*

Michael M. Buchman  
c/o Pomerantz Haudek Grossman & Gross LLP  
100 Park Avenue  
26th Floor  
New York, New York 10019

*Attorney for Plaintiffs*