

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

-----) Index No. 100530/2011
)
STEVEN R. LEVENTHAL as representative of a) Hon. Debra A. James
class consisting of himself and all others similarly)
situated,)
)
Plaintiff,)
)
-against-) **NOTICE OF CROSS-APPEAL**
)
BAYSIDE CEMETERY, CONGREGATION)
SHAARE ZEDEK and COMMUNITY)
ASSOCIATION FOR JEWISH AT-RISK)
CEMETERIES, INC.,)
)
Defendants.)
)
-----)

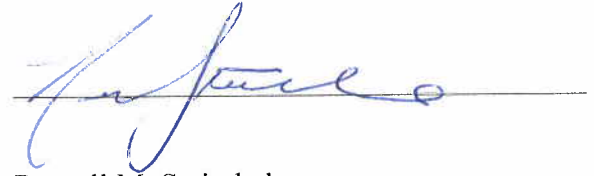
PLEASE TAKE NOTICE that defendants Congregation Shaare Zedek and Bayside Cemetery hereby cross-appeal to the Appellate Division, First Department from so much of the order of the Supreme Court, New York County [Hon. Debra A. James, J.S.C.], entered in the office of the Clerk of the County of New York on January 12, 2012 (Motion Sequence No. 2), as denied defendants' motion pursuant to CPLR 3211 to dismiss plaintiff's fourth cause of action for breach of contract and sixth cause of action for breach of fiduciary duty.

Dated: New York, New York
March 16, 2012

Respectfully submitted,

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By:



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COUNTY OF NEW YORK

STEVEN R. LEVENTHAL as representative of a
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BAYSIDE CEMETERY, CONGREGATION
SHAARE ZEDEK, and COMMUNITY
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Defendants.

NOTICE OF CROSS-APPEAL

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DEBRA A. JAMES, J.S.C.
PART 59

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