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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOHN R. LUCKER, ELIZABETH A.  
LUCKER, NANCY L. ROUSSEAU,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

-against-

BAYSIDE CEMETERY and  
CONGREGATION SHAARE ZEDEK,  
Defendants.

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

LYNN COHEN, individually and on  
behalf of all others similarly situated,

Plaintiff,

-against-

BAYSIDE CEMETERY and  
CONGREGATION SHAARE ZEDEK,  
Defendants.

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

FRAN GOLDSTEIN, individually and on  
behalf of all others similarly situated,

Plaintiff,

-against-

BAYSIDE CEMETERY and  
CONGREGATION SHAARE ZEDEK,  
Defendants.

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

**NOTICE OF DEFENDANTS' MOTION TO DISMISS FOR  
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

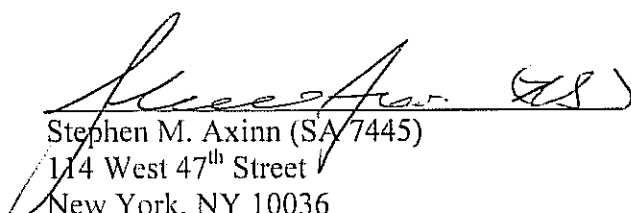
PLEASE TAKE NOTICE THAT, on December 12, 2008, at 11 am, or at such other date and time as the Court shall direct, the undersigned counsel for Defendants will move before the Honorable Raymond J. Dearie, Chief United States District Judge for the Eastern District of New York, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, Courtroom 10A, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing each of the above-entitled actions for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE THAT, in support of the motion, counsel intends to rely on its Memorandum of Law in Support of Defendants' Motion to Dismiss, a copy of which is enclosed herewith.

Dated: October 13, 2008  
New York, New York

AXINN, VELTROP & HARKRIDER LLP

By:

  
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