

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AVI KOSCHITZKI, on Behalf of Himself and all Others Similarly Situated,

Plaintiff,

v.

Case No. 1:08-cv-04451-JBW-VVP

APPLE INC. and AT&T MOBILITY LLC,

Defendants.

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**NOTICE OF MOTION AND MOTION OF AT&T MOBILITY  
LLC TO COMPEL ARBITRATION AND DISMISS CLAIMS**

TO: ALL PARTIES IN INTEREST:

PLEASE TAKE NOTICE THAT, Defendant AT&T Mobility LLC (“ATTM”) will respectfully move this court, before the Honorable Jack B. Weinstein, Senior United States District Judge, Eastern District of New York, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on a date and time to be determined by the parties in accordance with the Court’s schedule, pursuant to the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 1–16, for an order (i) compelling plaintiff Avi Koschitzki to pursue his claims in arbitration or small claims court and (ii) dismissing all claims against ATTM. In support of this Motion, ATTM relies upon its supporting Memorandum of Law and the Declarations of Adam Gill, Caroline Mahone-Gonzalez, TJ Terry, Richard A. Nagareda, Harry Bennett, and Theodore Weiman, and the exhibits thereto, all of which are being filed concurrently herewith.

Dated: November 24, 2008

Respectfully submitted,

/s Steven D. Greenblatt  
Steven D. Greenblatt (SG – 5105)  
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