

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

AVI KOSCHITZKI, on Behalf of Himself and all Others Similarly Situated,)	
)	
Plaintiff,)	Civil Action No. 1:08-cv-04451-JBW-VVP
)	
v.)	
)	
APPLE INC. and AT&T MOBILITY INC.,)	<u>PLAINTIFF'S NOTICE OF MOTION</u>
)	<u>TO STRIKE THE DECLARATION OF</u>
Defendants.)	<u>RICHARD NAGAREDA</u>
)	

PLEASE TAKE NOTICE THAT, upon all prior proceedings and the accompanying Memorandum of Law, dated January 8, 2009, Plaintiff Avi Koschitzki will respectfully move this Court, before the Honorable Jack B. Weinstein, U.S.D.J., at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, on a date and time to be determined by the parties in accordance with Court's schedule or otherwise as the Court determines, and prior to or simultaneously with the determination of Defendant AT&T Mobility Inc.'s ("AT&T") Motion to Compel Arbitration and Dismiss Claims, for an Order striking the Declaration of Richard Nagareda that AT&T submitted in support of its Motion (filed as Docket Entry #22), together with such other, further or different relief that this Court deems just and proper.

DATED: January 8, 2009

Respectfully Submitted,

RIGRODSKY & LONG, P.A.

/s/ Mark S. Reich

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