

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOSHUA BRINN,

Plaintiff,

-against-

SYOSSET PUBLIC LIBRARY, MORRIS DUFFY
ALONSO & FALEY, UTICA NATIONAL
INSURANCE COMPANY, JUDITH LOCKMAN,
Director of the SYOSSET PLUBLIC LIBRARY
In her individual and professional
Capacities, ROBERT GLICK, Trustee of
the SYOSSET PUBLIC LIBRARY in his
individual and professional capacities,

Defendants.
-----X

CV 09 1151
(TCP) (WDW)

**NOTICE OF MOTION
TO DISMISS**

PLEASE TAKE NOTICE, that upon the declaration of Peter L. Contini, dated September 15, 2009, with annexed exhibits, and the memorandum of law in support of the motion, and upon all other papers filed and proceedings had herein, the defendant, MORRIS DUFFY ALONSO & FALEY, will move this court, before the Hon. Thomas C. Platt, United States Courthouse, 100 Federal Plaza, Central Islip, New York, on November 20, 2009, at 10:30 a.m., for an order pursuant to Fed.R. Civ.P. §12(c) dismissing the complaint as to the moving defendant on the grounds that the complaint does not state cognizable claims against the defendant and for such other and further relief as the Court may deem just and proper.

Dated: Garden City, New York
September 16, 2009

Respectfully submitted,

L'ABBATE, BALKAN, COLAVITA
& CONTINI, LLP

By: 

Peter L. Contini, Esq.
Attorneys for Defendant
MORRIS DUFFY ALONSO & FALEY
1001 Franklin Avenue
Third Floor
Garden City, New York 11530
(516) 294-8844

TO: RAYMOND NARDO, ESQ.
Attorney for Plaintiff
129 Third Street
Mineola, New York 11501

LESTER SCHWAB KATZ & DWYER, LLP
Attorneys for Defendants
SYOSSET PUBLIC LIBRARY, JUDITH
LOCKMAN and ROBERT GLICK
120 Broadway – 38th Floor
New York, New York 10271
(212) 964-6611

Sherri Pavloff, Eq.
FARBER BROOKS & ZANE, LLP
Attorneys for Defendant
UTICA NATIONAL INSURANCE COMPANY
51 Charles Street, 2nd Floor
Mineola, New York 11501

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

KAREN R. LUCERO, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides at Nassau County, New York.

That on the 16th day of September, 2009, deponent served the within **NOTICE OF MOTION TO DISMISS** upon:

RAYMOND NARDO, ESQ.
Attorney for Plaintiff
129 Third Street
Mineola, New York 11501

LESTER SCHWAB KATZ & DWYER, LLP
Attorneys for Defendants
SYOSSET PUBLIC LIBRARY, JUDITH
LOCKMAN and ROBERT GLICK
120 Broadway – 38th Floor
New York, New York 10271

Sherri Pavloff, Eq.
FARBER BROOKS & ZANE, LLP
Attorneys for Defendant
UTICA NATIONAL INSURANCE COMPANY
51 Charles Street, 2nd Floor
Mineola, New York 11501

the attorney(s) for the respective parties in this action, at the above address(es) designated by said attorney(s) for that purpose by depositing same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.



KAREN R. LUCERO

Sworn to before me this 16th day of
September, 2009.



Notary Public

PETER L. CONTINI
Notary Public, State of New York
No. 4637417
Qualified in Suffolk County
Commission Expires July 31, 2010