

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMIGA, INC.,

Plaintiff,

05CV8986 (DAB)

-against-

Notice of Motion

GARRY HARE,

Defendant.

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PLEASE TAKE NOTICE, that upon the annexed declaration of Garry Hare, dated November 10, 2005 and the exhibits annexed thereto and the pleadings and proceedings heretofore had herein and the matters hereinafter set forth, Defendant will move this Court, before the Honorable Deborah A. Batts, at the Courthouse located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court for an order as follows:

- (1) Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the action for lack of subject matter jurisdiction;
- (2) Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the action for lack of personal jurisdiction;
- (3) Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the action for lack of proper venue, or, in the alternative;
- (4) Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure and 9 USC § 4, dismissing the action on the grounds that the controversy between the parties is subject to an arbitration agreement or compelling Plaintiff to arbitrate; and
- (5) For such other and further relief as to this Court may seem just and proper.

Yours, etc.

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By: S/  
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