## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

| PHYLLIS MOLCHATSKY and STEVEN SCHNEIDER, M.D., | :<br>: |
|--|--------|
| Plaintiffs,                                    | :      |
| V.   | :      |
| UNITED STATES OF AMERICA,                      | :      |
| Defendant.                                     | :      |
|  | ·x     |

09 CIV 8697 (LTS/AJP) NOTICE OF MOTION

PLEASE TAKE NOTICE THAT upon the accompanying memorandum of law in support of this motion, the United States will move this Court before the Honorable Laura Taylor Swain, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure granting dismissal of this action for lack of subject-matter jurisdiction.

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The United States certifies that it has used its best efforts to resolve informally the matters raised in its submission.

## PREET BHARARA United States Attorney Southern District of New York

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