

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DEBORAH R. COOKE and CHRISTINA
M. RODINO,

11 Civ. 0201 (AKH) (RLE)

Plaintiffs,

-against-

DB 85 GYM CORP. d/b/a DAVID BARTON GYM,
CV II GYM, LLC d/b/a DAVID BARTON GYM,
CV VI, LLC d/b/a DAVID BARTON GYM, DB
BROADWAY GYM CORP. d/b/a DAVID
BARTON GYM, KEVIN KAVANAUGH, and
CARL HELMLE, III,

Notice of Motion

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Corey Stark, dated October 23, 2012, with attached exhibits, Plaintiffs' Memorandum of Law, dated October 23, 2012, and all the pleadings and proceedings herein, Plaintiffs hereby move for enforcement of the settlement agreement between the parties and the imposition of sanctions against Defendants, pursuant to 28 U.S.C. §1927 and the court's inherent power to control abusive litigation conduct, compensating Plaintiffs for attorney's fees resulting from good faith efforts to obtain Defendants' compliance with the terms of the settlement agreement and the time expended on this enforcement motion.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within fourteen days after service of this notice and accompanying moving papers, and any reply affidavits and memoranda of law shall be served within seven days after service of the answering papers.

