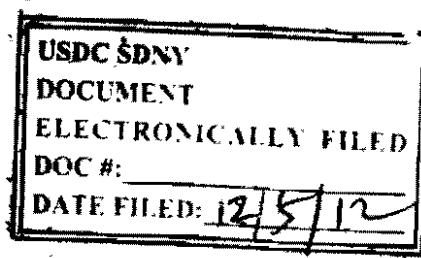


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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,

Defendants.

Notice of Motion

*Motion denied as moot,
the attorney having been
consummated. As to
sanctions the letter in
payment is 'criticizable', but
not as much as to justify
sanctions. So ordered.*

*12/4/12
C. J. Helmler*

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.

Dated: New York, New York
October 23, 2012

THE DWECK LAW FIRM, LLP

A handwritten signature in black ink, appearing to read 'C Stark', written over a horizontal line.

By: Corey Stark (CS-3897)

Attorneys for Plaintiffs

75 Rockefeller Plaza, 16th Floor

New York, New York 10019

(212) 687-8200

Judge wrote:

“Motion denied as moot, the settlement having been consummated. As to sanctions, the lateness in payment is criticizable, but not so much as to justify sanctions.

So Ordered.

12/4/12

Alvin K. Hellerstein”