UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JEREMY LEBEWOHL, UNCLE ABIES DELI INC. d/b/a 2nd AVE DELI, UNCLE ABIES DELI ON FIRST INC., UNCLE ABIES DELI SANDWICH TRADEMARKS LLC, and JACK LEBEWOHL

CIVIL ACTION NO: 11-CIV-3153-PAE-JCE

Plaintiffs,

v.

HEART ATTACK GRILL LLC, HAG LLC, JON BASSO, and DIET CENTER LLC (Texas), and DIET CENTER LLC (Delaware)

Defendants.

DEFENDANTS' NOTICE OF FILING PLAINTIFFS' RESPONSES TO DEFENDANTS' REQUESTS TO ADMIT NOS. 1 - 114 IN SUPPORT OF ITS MOTION TO VOLUNTARILY DISMISS COUNTERCLAIMS

Defendants, HEART ATTACK GRILL LLC, HAG LLC, JON BASSO, DIET CENTER LLC

(a Texas corporation), and DIET CENTER LLC (a Delaware corporation) (collectively,

"Defendants" or "HAG"), hereby give notice of filing responses to HAG's Requests to Admit Nos.

1 - 114.

HAG sent Plaintiffs, JEREMY LEBEWOHL, UNCLE ABIES DELI INC. d/b/a 2nd AVE

DELI, UNCLE ABIES DELI ON FIRST INC., and UNCLE ABIES DELI SANDWICH

TRADEMARKS LLC (collectively "Plaintiffs" or "2ND AVE DELI"), many requests to admit to

narrow the scope of this case. 2nd AVE DELI responded as per the attachment.

Dated: Dec. 6, 2011

Respectfully submitted,

By: /RobertKain/ Robert C. Kain, Jr., Esq. (RK 7454) Florida Bar No. 266760 <u>RKain@ComplexIP.com</u> Kain & Associates Attorneys at Law 900 Southeast 3rd Avenue, Suite 205 Fort Lauderdale, Florida 33316 Telephone: (954) 768-9002 Facsimile: (954) 768-0158 Counsel for Defendants <u>CERTIFICATE OF SERVICE</u>

I hereby certify that on __Dec. 6, 2011_____, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

William W. Chuang, Esq. Jakubowitz & Chuang LLP 401 Broadway Suite 408 New York, NY 10013 Attorneys for Plaintiffs

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/RobertKain/

Robert C. Kain, Jr., Esq. SDNY Bar No. (RK 7454) G:\RCK\CLIENTS\Heart-Attack(HAG)\Lebewohl-2nd-Ave-Deli-v-Heart-Attack\Notice-file-RTA-Response.wpd