

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

-against-

Index No. 11-cv-3153 (PAE)

HEART ATTACK GRILL LLC, HAG LLC,  
JON BASSO, DIET CENTER LLC (TEXAS) AND  
DIET CENTER LLC (DELAWARE)

Defendants.  
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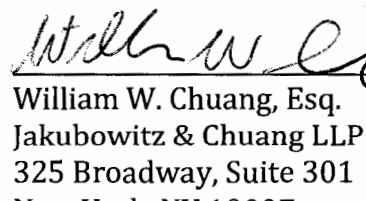
**MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of this motion, the Declaration of Jack Lebewohl affirmed on March 26, 2012, the Statement Of Uncontested Facts pursuant to Local Rule 56.1, the exhibits annexed thereto, and the pleadings and hearings hearing, Plaintiffs will move this Court, before Hon. Paul A. Engelmayer, United States District Judge, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Plaintiffs summary judgment that there is no likelihood of confusion, dismissing all of Defendants' remaining counterclaims, or alternatively, granting Plaintiffs concurrent use rights.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 26, 2012

Respectfully Submitted,

  
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