

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

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**ARDIS HEALTH, LLC; CURB YOUR CRAVINGS, LLC
And USA HERBALS, LLC,**

Index No. 11 Civ 5013

Plaintiff,

- against -

**AFFIRMATION OF GAIL I.
AUSTER**

ASHLEIGH NANKIVELL,

Defendant.

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Gail I. Auster, Esq., an attorney duly admitted to practice in this Court, does hereby affirm to be true under the penalties of perjury as follow:


1. I am the attorney for Defendant Ashleigh Nankivel. I submit this Affirmation in support of Plaintiff's Motion to Dismiss on the basis of Fed.R.Civ.P. Rule 12 (b)(5).
2. Attached hereto as Exhibit 1 is a true and correct copy of the Better Business Bureau website report of Plaintiffs USA Herbals and Curb Your Cravings printed on August 24, 2011.
3. Attached hereto as Exhibit 2 is a true and correct copy of the Affidavit of Attempted Service dated August 4, 2011 and signed by Joseph Santos.
4. Attached hereto as Exhibit 3 is a true and correct copy of the Affidavit of Service dated August 4, 2011 and signed by Randy Barona.

WHEREFORE, Defendant's Motion to Dismiss the Complaint should be granted in its entirety.

Dated: New York, New York
August 24, 2011

Respectfully submitted,

THE LAW OFFICES OF GAIL I. AUSTER &
ASSOCIATES P.C.

By: 
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