

**MEMO ENDORSEMENT**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CATHERINE BARTON AND ZACHARY ZAITZEFF,

Plaintiffs,

-against-

NORTHEAST TRANSPORT, INC. AND LAND-AIR  
EXPRESS OF NEW ENGLAND, LTD.,

Defendants.

Case No.: 7:21-cv-00326-KMK

**NOTICE OF  
MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that, upon defendant, NORTHEAST TRANSPORT, INC.'s ("Northeast"), accompanying Memorandum of Law in Support of Defendant Northeast Transport Inc.'s Motion to Dismiss Plaintiffs' Complaint, the Declaration of Jennifer Hurley McGay in Support of Defendant Northeast Transport Inc.'s Motion to Dismiss Plaintiffs' Complaint with annexed exhibits, and upon all of the pleadings, papers and proceedings heretofore had herein, Northeast will move this Court before the Honorable Judge Kenneth M. Karas, at the United States Courthouse at 300 Quarropas Street, White Plains, New York 10601, at a date and time designated by the Court, to dismiss plaintiffs' complaint in its entirety with prejudice pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil or, in the alternative, dismissing or striking Plaintiffs' demands for punitive and consequential damages..

**PLEASE TAKE FURTHER NOTICE** that opposition to this motion is due on or before June 18, 2021, and any reply is due on or before June 25, 2021.

Dated: Islandia, New York  
June 4, 2021

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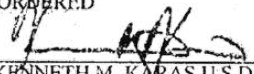
By:   
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The Motion is DENIED without  
prejudice for failure to comply with the  
Court's Individual Rules. The Clerk of  
Court is respectfully requested to  
terminate the pending motion.

White Plains, NY  
June 7, 2021

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.