

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

RICHARD FEINER AND CO., INC.,

Plaintiff,

vs.

**THE NEW YORK TIMES COMPANY,
PHOTOFEST, INC. AND HOWARD
MANDELBAUM,**

Defendants.

Civil Action No. 07 Cv 11218 (RMB)(RLE)

**NOTICE OF MOTION
TO DISMISS ALL CLAIMS
AGAINST RICHARD FEINER AND CO.,
INC.**

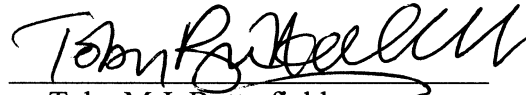
PLEASE TAKE NOTICE THAT, upon the accompanying Declaration of Zehra J. Abdi and the exhibits attached thereto, and the accompanying Memorandum of Law, defendants The New York Times Company, Photofest, Inc. and Howard Mandelbaum, by their undersigned attorneys Cowan, DeBaets, Abrahams & Sheppard LLP, will move this Court before the Honorable Richard M. Berman, U.S.D.J., at Courtroom 21D, United States Courthouse, 500 Pearl Street, New York, New York on Thursday June 12, 2008, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order dismissing all claims against them in this action pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction and pursuant to Fed. R. Civ. P. 12(b)(6) failure to state a claim on which relief can be granted.

The reasons for said motion are set forth more fully in the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served by May 28, 2008 and reply papers served by June 9, 2008.

Dated: New York, New York
May 7, 2008

Respectfully submitted,



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Zehra Abdi

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Times, Photofest, Inc. and Howard
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