

STATE OF NEW YORK
SUPREME COURT

COUNTY OF RENSSELAER

CHARLES E. COLLINS, III,

Plaintiff,

-against-

YODLE, INC., SCOTT LONG, and BRAD LEITCH,

Defendants.

DEFENDANTS'
NOTICE OF
CROSS-MOTION

Index No. 233271

RJI No. 41-0576-
2010

Assigned Judge:
Hon. Christian F.
Hummel

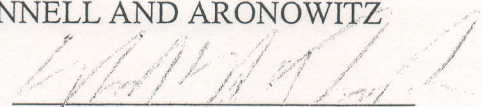
PLEASE TAKE NOTICE, that upon the annexed Affidavits of Bradley Leitch, sworn to on March 31, 2011; Scott Long, sworn to on March 22, 2011; and Michael Gordon, sworn to on March 30, 2011, and the Affirmation of Neil H. Rivchin, Esq., dated April 8, 2011, the exhibits submitted herewith in a separate bound volume, the Memorandum of Law of the Defendants, and the pleadings of the parties hereto, all submitted in support of Defendants' Cross-Motion, and all of the prior proceedings herein, the Defendants will move this Court at an All Purpose Motion Term thereof, to be held at the Rensselaer County Courthouse, Troy, New York, at 9:30 a.m. on the 9th day of May, 2011, for an Order (1) dismissing Plaintiff's Complaint, pursuant to CPLR § 3212, (2) and/or striking the Plaintiff's Second Set of Discovery Demands, and denying the Plaintiff's Motion to Compel, (3) granting Defendants' request for attorneys' fees, costs and disbursements against Plaintiff; (5) granting sanctions against the Plaintiff, pursuant to 22 N.Y.C.R.R. § 130-101(a), and (6) for such other and further relief which as to this Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 2214(b), answering Affidavits, if any, shall be served at least seven (7) days before the return date of this Motion.

DATED: Albany, New York
April 8, 2011

O'CONNELL AND ARONOWITZ

By:


Neil H. Rivchin, Esq.

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