

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF RENSSELAER

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CHARLES E. COLLINS, III,

Plaintiff,

-against-

YODLE, INC.,

Defendant.

**DEFENDANT'S**  
**NOTICE OF**  
**MOTION**

Index No. 233271

RJI No. 41-0576-  
2010

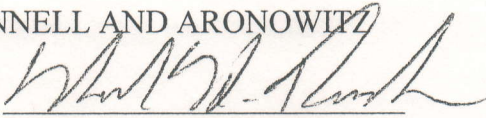
Assigned Judge:  
Hon. Christian F.  
Hummel

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PLEASE TAKE NOTICE, that upon the annexed Affirmation of Neil H. Rivchin, Esq., dated December 20, 2011, and the Decisions and Orders of this Court, dated September 14, 2011 and December 1, 2011, respectively, the Memorandum of Law of the Defendants, and the pleadings of the parties hereto, all submitted in support of Defendant's Motion, and all of the prior proceedings herein, Defendant, Yodle, Inc., will move this Court at an All-Purpose Motion Term thereof, to be held at the Rensselaer County Courthouse, Troy, New York, on the 17th day of January, 2012, for an Order dismissing Plaintiff's Complaint, pursuant to CPLR § 3212, on the grounds that Plaintiff's cause of action for breach of contract is void of any proof of damages, and for such other and further relief as to which 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  
December 20, 2011

O'CONNELL AND ARONOWITZ  
By:   
Neil H. Rivchin, Esq.

Attorneys for Defendant  
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