SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

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, Index No.

Plaintiff, **NOTICE OF MOTION**

- against- Mot. Seq.

,

Defendant.

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S I R S:

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Michael C. Barrows, Esq., dated \_\_\_\_\_\_\_\_\_\_\_, the exhibits attached thereto, and all the prior pleadings and proceedings herein, plaintiff, \_\_\_\_\_\_\_\_\_\_ (”Plaintiff”), by its attorneys, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, will move this Court at the IAS Submission Part, Room 130, at the Courthouse located at 60 Centre Street, New York, New York \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order for an Order, pursuant to Article 31 of the New York Civil Practice Law and Rules:

1. Striking the pleadings of the defendants, \_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_, (“Non-Responsive Defendants”) for their failure to properly, individually and fully respond to Plaintiff’s Combined Demands dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Demands”), or, in the alternative, for an Order compelling Non-Responsive Defendants to fully and completely respond to Plaintiff’s Demands;
2. Entering judgment as to liability against Non-Responsive Defendants, jointly and severally, and in favor of Plaintiff;
3. Ordering that an Inquest be held to determine the amount of Plaintiff’s damages;
4. Awarding Plaintiff reasonable attorneys’ fees and other costs in connection with the making of this motion; and
5. Granting such other and further relief this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to New York CPLR §2214(b), answering affidavits must be served by the undersigned at least seven (7) days before the return date of this application.

Dated: New York, New York

January 12, 2011

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael C. Barrows, Esq.

*Attorney for Plaintiff*

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TO: