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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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BERK-COHEN ASSOCIATES AT	:
TOR VIEW VILLAGE APARTMENTS,	:
LLC,	:
	:
Plaintiff,	:
	:
- against -	:
	:
	08 Civ. 9963 (DLC)
	:
LOEB HOUSE, INC., COUNTY OF	:
ROCKLAND, ROCKLAND COUNTY	:
FAIR HOUSING BOARD, and UNITED	:
STATES DEPARTMENT OF HOUSING	:
AND URBAN DEVELOPMENT,	:
	:
Defendants.	:
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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the Complaint herein, the Declaration of Assistant United States Attorney David J. Kennedy, dated May 6, 2009, and the exhibits annexed thereto, the United States Department of Housing and Urban Development, by its attorney Lev L. Dassin, Acting United States Attorney for the Southern District of New York, will move this Court before the Honorable Denise L. Cote, United States District Judge, at the United States

Courthouse, 500 Pearl Street, New York, New York 10007, for an order dismissing the Complaint against it for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

Dated: New York, New York  
May 6, 2009

Respectfully submitted,

LEV L. DASSIN  
Acting United States Attorney for the  
Southern District of New York

By: /s/ David J. Kennedy  
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