



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SALIM SHAHRIAR, MUHAMMAD ISLAM, AND MARY HARVEY on behalf of themselves and all others similarly situated,

MEMO ENDORSED

INDEX NO: 08 CIV 057(MGC)

Plaintiffs,

v.

SMITH & WOLLENSKY RESTAURANT GROUP, INC. d/b/a PARK AVENUE RESTAURANT AND FOURTH WALLS RESTAURANTS LLC, d/b/a PARK AVENUE RESTAURANT,

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Plaintiff will and hereby does move this Court before the Honorable Miriam G. Cedarbaum, United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date to be determined by the Court or as soon thereafter as counsel may be heard for an order certifying the Class pursuant to Fed. R. Civ. P. 23.

Dated: November 11, 2009
New York, New York

*Motion granted. For oral opinion, see record of proceedings.
So ordered.*

*S/ United States District Judge
January 28, 2010*

JOSEPH & HERZFELD LLP

/s/ Matthew D. Kadushin
Matthew D. Kadushin (MK 1968)

D. Maimon Kirschenbaum (DK 2338)
Charles Joseph (CJ 9442)
757 Third Avenue, 25th Floor
New York, New York 10017

Tel: 212-688-5640
Fax: 212-688-2548

Attorneys for Plaintiff