

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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<p>FRED BARON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>ROCKETBOOM, LLC,</p> <p style="text-align: center;">Defendant.</p>

Index No. 601066/07

NOTICE OF MOTION

Upon the affidavit of Amanda Congdon ("Congdon") sworn to April 24, 2007, Congdon's proposed verified answer and cross-claims, the accompanying memorandum of law, and upon all the papers and proceedings filed in this action, Congdon, through her undersigned attorneys, will move this Court at the Submission Part, located at 60 Centre Street, Room 130, on May 15, 2007, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order (1) pursuant to CPLR 1012(a), permitting Congdon to intervene in this action as a party defendant on the grounds that (a) her interests may not be adequately represented by the present parties and she may be bound by the judgment to be rendered herein, and (b) this action involves the disposition or distribution of, or the title to property, and she may be affected adversely by the judgment to be rendered herein; (2) pursuant to CPLR 1001(a), directing that Andrew Baron be added as a necessary party defendant or, in the alternative, dismissing this action pursuant to CPLR 3211(a)(10) on the ground that the Court

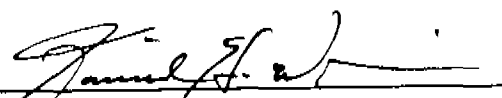
should not proceed in the absence of Andrew Daroff, a person who is a party to this action; and (3) for such other and further relief as the Court deems proper.

This action is for an alleged default under a loan and security agreement. This action is not on a trial calendar.

Pursuant to CPLR 2214(b), answering affidavits, if any, must be served upon the undersigned at least seven days before the return date of this motion.

Dated: New York, New York
April 25, 2007

HUGHES HUBBARD & REED LLP

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