

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTIN GROSZ and LILIAN GROSZ,

Plaintiffs,

against

THE MUSEUM OF MODERN ART,

Defendant,

PORTRAIT OF THE POET MAX
HERRMANN-NEISSE,
SELF-PORTRAIT WITH MODEL and
REPUBLICAN *AUTOMATONS*,
Three Paintings by Grosz

Defendants-in-rem.

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Case No.: 09 Civ. 3706 (CM) (THK)

ECF CASE

**NOTICE OF MOTION OF DEFENDANT THE MUSEUM OF
MODERN ART (“MoMA”) TO DISMISS THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Declarations of Professor Wolfgang Ernst (dated June 3, 2009)(pursuant to FRCP 44.1), Professor Eltjo Schrage (dated June 3, 2009) (pursuant to FRCP 44.1), Louis M. Solomon (dated June 4, 2009) (attaching documents), the exhibits annexed thereto, the Memorandum of Law in Support, and the prior pleadings and proceedings had herein, MoMA will move this Court before the Honorable Colleen McMahon, at the United States District Court for the Southern District of New York, Courtroom 14C, 500 Pearl Street, New York, New York 10007, for an Order under Federal Rules of Civil Procedure 8, 9(b) and 12(b)(6) dismissing with prejudice the Amended Complaint and each of the causes of action set forth therein.

Answering papers are to be served on June 18, 2009, and reply papers are to be served on

June 25, 2009. If the Court is inclined to have oral argument, as MoMA believes might be helpful to the Court, it will be held at a date and time designated by the Court.

Dated: New York, New York
June 4, 2009

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