

LOFARO & REISER, L.L.P.
55 Hudson Street
Hackensack, New Jersey 07601
(201) 498-0400
Attorneys for Defendant, Harco Industries, Inc., U.S.A.

TEMPLER ASSOCIATES,

Plaintiff,

Vs.

MADISON PARTNERS, INC., HARCO
INDUSTRIES, INC., SALIM KHAN,
Individually and as agent for Madison
Partners, Inc. & Harco Industries, Inc.; ABC
Corporation; and John Doe.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY
DOCKET NO.: L-1765-04

Civil Action

**NOTICE OF MOTION IN LIEU OF
ANSWER FOR ORDER DISMISSING
PLAINTIFF'S COMPLAINT WITH
PREJUDICE PURSUANT TO R. 4:6-
2(e), AND AWARDING SANCTIONS
PURSUANT TO R. 1:4-8.**

To: Mandelbaum, Salsburg, Gold, Lazris, Discenza & Steinberg, P.C.
155 Prospect Avenue
West Orange, New Jersey 07052
Attn: Emanuel R. Grova, Jr., Esq.
(Attorneys for Plaintiff)

COUNSEL:

PLEASE TAKE NOTICE that defendant will move before the Superior Court of New Jersey, at the Union County Courthouse, 2 Broad Street Elizabeth, New Jersey, on Friday, October 8, 2004 at 9:00 a.m. or as soon thereafter as counsel may be heard, for entry of an Order dismissing plaintiff's Complaint with prejudice for failure to state a claim upon which relief can be granted, pursuant to R. 4:6-2(e), and imposing sanction against plaintiff and its counsel pursuant to R. 1:4-8.

PLEASE TAKE FURTHER NOTICE that defendant will rely upon the Certification of Gomidas, Certification of Glenn R. Reiser, and Letter Memorandum. A proposed form of Order is attached.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that unless opposing papers are filed with the Court and served upon plaintiff's counsel at least eight (8) days before the return date of this motion in accordance with R. 1:6-3, the relief requested may be granted.

LOFARO & REISER, L.L.P.
Attorneys for Defendant,
Harco Industries, Inc.

By: _____
Glenn R. Reiser

Dated: September ____, 2004

CERTIFICATION OF FILING AND PROOF OF SERVICE

On this date, the undersigned forwarded via Federal Express Overnight Delivery an original and two (2) copies of the within Notice of Motion, Certification of Gomidas Hartounian, Certification of Glenn R. Reiser, Letter Memorandum, and proposed form of Order to Joanne Rajoppi, Union County Clerk, Union County Courthouse, Room 115, 2 Broad Street, Elizabeth, New Jersey 07207.

On this date, the undersigned also served the above motion papers via First Class Mail upon the following:

Emanuel R. Grova, Jr., Esq.
Mandelbaum, Salsburg, Gold, Lazris, Discenza & Steinberg, P.C.
155 Prospect Avenue
West Orange, New Jersey 07052
(Attorneys for Plaintiff)

I hereby certify that the foregoing statements made by me are true. I am fully aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Glenn R. Reiser

September ____, 2004