

UNITED STATES DISTRICT COURT
[] DISTRICT OF NEW YORK

----- X
:
_____,
Plaintiff,
- against -
_____,
Defendant.
----- X

Civil Action No.

XX-CV-XXXXXX

**NOTICE OF MOTION TO DISMISS
OR STAY THE ACTION
PENDING ARBITRATION**

PLEASE TAKE NOTICE THAT, upon the Declaration of _____, sworn to on [Month] [Day], [Year] and the exhibits annexed thereto, and the accompanying Memorandum of Law in Support of Motion to Dismiss or Stay the Action Pending Arbitration, defendant _____ (“_____”) will move this Court before the Honorable [Name], United States District Judge for the United States District Court for the [] District of New York Courtroom [], at the United States Court House, 100 Federal Plaza, Central Islip, New York 11722, at a date to be determined by the Court, for an order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and the Federal Arbitration Act, 9 U.S.C. §1 *et seq*, dismissing the above-captioned action because all of the claims alleged herein by plaintiff _____ are subject to arbitration, lack subject-matter jurisdiction and fail to state a claim upon which relief can be granted, or, in the alternative, stay the action pending arbitration, and for such further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with Rule 6.1(b) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, opposing papers and answering memoranda, if any, shall be served within fourteen (14) days after service of this motion.

Dated: [City], [State]
[Month] [Day], [Year]

[Attorney Firm Name LLP]

By: _____

[Signature Block]
Attorneys for Defendant

TO: [Service List]
Attorneys for Plaintiff _____

