

SUPREME COURT STATE OF NEW YORK
COUNTY OF NEW YORK

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PHILIP STAMM, Individually And On Behalf Of All Other
Similarly Situated,

Case No.: 651472/2017

Plaintiffs,

vs.

MY PILLOW, INC. a Minnesota Corporation, a/k/a MY
PILLOW DIRECT LLC,

Defendant.

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**NOTICE OF MOTION FOR A TEMPORARY STAY, OR IN THE ALTERNATIVE TO
DISMISS PLAINTIFF’S CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the December 7, 2017 Affirmation of Michael J. Tricarico, the Request for Judicial Intervention, and all of the pleadings and proceedings heretofore had herein, Defendant My Pillow, Inc. a/k/a My Pillow Direct LLC (hereafter “Defendant” or “My Pillow”) will move before this Court in Room 130 of the courthouse for the Supreme Court of the State of New York, New York County, located at 60 Centre Street, New York, New York 10007, on the 5th day of January, 2018 at 9:30 a.m. or as soon thereafter as counsel can be heard for an Order staying this action pursuant to CPLR 2201, pending final approval of a related nationwide class action settlement in California Superior Court in the matter styled, *Amiri, Pucket, et al. v. My Pillow, Inc.*, (San Bernardino Superior Court Case No. CIVDS1606479), or in the alternative, dismissing this action pursuant to CPLR 3211(a)(7) and CPLR 3016(b) with prejudice, on the grounds that the Complaint fails to state a cause of action, and because Plaintiff’s Fraud/Deceit cause of action is not pleaded with particularity; and for such other and further relief as to the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 2214(b), answering papers if any must be served on or before December 29, 2017, and reply papers are due on or before January 4, 2018.

Dated: December 7, 2017

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