

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDREW ORKIN,

Plaintiff,

v.

THE SWISS CONFEDERATION,
MUSEUM OSKAR REINHART AM
STADTGARTEN and SAMMLUNG
OSKAR REINHART "AM
RÖMERHOLZ"

Defendants.

Case No.: 09-CV-10013 (LAK)

ELECTRONICALLY FILED

NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT

PLEASE TAKE NOTICE that Defendant The Swiss Confederation, for itself and defendant Sammlung Oskar Reinhart "Am Römerholz", by and through its attorneys, pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(2), 12(b)(6), and Section 1604 of the Foreign Sovereign Immunities Act, and upon (1) the accompanying memorandum of law, (2) the Declaration of Dr. Urs Staub and the exhibits attached thereto, (3) the Declaration of Ernst Wohlwend and the exhibits attached thereto, (4) the Declaration of Mark N. Bravin and the exhibits attached thereto, and (5) the expert legal opinion of Dr. Peter Mosimann regarding the applicable law of Switzerland and the exhibits attached thereto, will move this Court, before the Honorable Lewis A. Kaplan, U.S.D.J., in the United States District Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order dismissing plaintiff's Amended Complaint.

Dated: May 17, 2010

MORGAN LEWIS & BOCKIUS LLP

By: _____ /s/

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