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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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TRIANGLE 17 CENTER, LLC,

Plaintiff,

Civil Action No.

-against-

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

TOWN SPORTS INTERNATIONAL
HOLDINGS, INC. d/b/a NEW YORK SPORTS
CLUBS, TSI HOLDINGS (NJ), LLC, and TSI
RAMSEY, LLC.

Defendants.

-----X

Plaintiff, Triangle 17 Center, LLC (“Plaintiff”) by way of its Complaint against the defendants, Town Sports International Holdings, Inc. d/b/a New York Sports Clubs (“NY Sports Clubs”), TSI Holdings (NJ), LLC (“Holdings”) and TSI Ramsey, LLC (“TSI”) (collectively, the “Defendants”) respectfully alleges as follows:

PRELIMINARY STATEMENT

1. This action seeks legal redress for Defendants’ calculated efforts in pursuing frivolous litigation – to block a vital new lease for Plaintiff’s shopping center with 24 Hour Fitness USA, Inc. (“24 Hour Fitness”) – so as to enable Defendants to prevent the opening of a competing facility, and thereby perpetrate monopoly control over the large fitness center market in the greater Northwest Bergen County, New Jersey area.

2. The immediate and direct byproduct of Defendants' unlawful actions is that Plaintiff has suffered mounting, multi-million dollar damages resulting from Defendants' undue interference with Plaintiff's proposed new tenant. Plaintiff – as the owner of the shopping center at issue – entered into a proposed new lease with 24 Hour Fitness to operate a competing fitness center. The proposed 24 Hour Fitness location in the shopping center is approximately two miles from Defendants' competing New York Sports club.

3. In conjunction with this proposed new tenancy, Plaintiff sought and obtained a waiver from the local Planning Board dispensing with site plan approval. While no other person or entity challenged the Planning Board waiver, Defendants launched a dubious attack in furtherance of a thinly-veiled goal of stonewalling the opening of the competing facility.

4. This strategy was based upon a brazen course of objectively and subjectively meritless litigation predicated upon, inter alia, the highly dubious contention that the local Planning Board has misread and misapplied its own local ordinances when it granted the waiver. Defendants' challenge instead smacks of ulterior motives and was plainly designed to impede, stall and frustrate the operation of a competing fitness center by 24 Hour Fitness for the sole purpose of maintaining control over the local marketplace.

5. To date, Defendants' challenges have been soundly rebuffed by the Planning Board and the State Superior Court in Bergen County. While Defendants have since filed an appeal with the Appellate Division in New Jersey, it is anticipated that the appellate court will affirm the lower court's decision.

6. In the interim, however, the Plaintiff has suffered mightily since the shopping center premises remain underutilized solely because of Defendants' machinations to eliminate a new competitor in the relevant geographic area. Defendants' actions are predicated upon

anticompetitive aims – preventing the establishment of competing large fitness centers, and thereby preserving Defendants’ monopoly position. This action is aimed at stopping Defendants’ unlawful scheme and to award Plaintiff compensatory and treble damages.

PARTIES

7. Plaintiff is a New Jersey limited liability company with its principal place of business at 150 East 58th Street, New York, New York 10155. Plaintiff is the owner of certain real property located at 491 East Crescent Avenue, Ramsey, New Jersey 07446, further known as Block 4702, Lot 5 (the “Shopping Center”).

8. Upon information and belief, defendant NY Sports Clubs is a Delaware corporation, and defendant Holdings is a Delaware limited liability company, both having a principal place of business at 5 Pennsylvania Plaza, New York, New York 10001. NY Sports Clubs and Holdings are the corporate parents (directly or indirectly) of a network of affiliated companies which operate over 150 sports clubs, with more than 19 locations in New Jersey under the New York Sports Club banner.

9. Upon information and belief, defendant TSI is a Delaware limited liability company that is a subsidiary or affiliate of NY Sports Clubs and/or Holdings with its principal place of business at 5 Pennsylvania Plaza, New York, New York 10001. TSI operates a New York Sports Club located at 1150 Route 17 North, Ramsey, New Jersey 07446 (“NYSC Ramsey”).

JURISDICTION, VENUE AND STANDING

10. This action arises under federal antitrust laws, 15 U.S.C. §§ 1, 2, and 15, and New Jersey state law.

11. This Court has subject matter jurisdiction under 27 U.S.C. §§ 1331, 15 U.S.C. § 15, and under the principles of supplemental jurisdiction, 28 U.S.C. § 1367.

12. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 15 U.S.C. §§ 15 and 22 because Defendants have continuous and systematic contacts in New Jersey, including maintaining offices in New Jersey and/or doing business in New Jersey.

13. Plaintiff has antitrust standing to bring this action pursuant to *Hanover 3201 Realty, LLC v. Village Supermarkets, Inc.*, 806 F.3d 162 (3d Cir. 2015), because Plaintiff's injuries are "inextricably intertwined" with Defendants' efforts to monopolize the market for large fitness centers described below.

FACTS COMMON TO ALL CAUSES OF ACTION

The Relevant Large Fitness Center Market

14. The business of large fitness centers is substantial and affects interstate commerce.

15. Most gym members have come to expect large fitness centers to offer not only the ability to work out, but also additional amenities such as personal training, fitness classes, pools, steam rooms, childcare, and extended operating hours. Large fitness centers have substantially more square feet and available fitness equipment in comparison to smaller fitness centers. For example, Defendants state in their public filings that the aggregate size of their clubs is 26,000 square feet.

16. Accordingly, proximity to both a large upscale population and major highways defines the value of any particular large fitness center location because it provides gym members with the convenience of visiting a gym close to their home or workplace.

17. Barriers to entry into the Northwest Bergen County geographic market for large fitness centers are high. The barriers include: the need for available and properly zoned property; the significant financial costs associated with developing a large fitness center; the finite needs of gym members; the imposition of membership dues; and the necessity of existing name recognition to attract members.

18. Defendants acknowledge in their SEC filings that the “fitness club industry is highly competitive and continues to become more competitive.”

New York Sports Club - Ramsey

19. TSI is the tenant at 1150 Route 17 North, Ramsey, New Jersey 07446, where Defendants operate NYSC Ramsey, a large fitness center.

20. According to Defendants’ website, NYSC Ramsey offers a multitude of amenities, such as babysitting, a basketball court, children’s programs, an indoor pool, sauna, steam room, yoga, pilates, and towel service. NYSC Ramsey also offers personal training and a wide variety of group exercise classes throughout the day.

21. The NYSC Ramsey is approximately 2 miles from the location of the proposed 24 Hour Fitness center. Other than the NYSC Ramsey, there are no other large fitness centers in the Borough of Ramsey or the surrounding towns, including in Upper Saddle River, Allendale, and Mahwah.

History of the Shopping Center’s Development

22. The Shopping Center consists of 95,700 square feet of rentable space spread across two levels that has historically attracted a supermarket and other retail and commercial tenants, including a small fitness center. The prior fitness center occupied the entire second floor of the Shopping Center, while other tenants occupied space on the ground floor areas. The

Shopping Center includes parking at the ground level, as well as on the rooftop of the second floor.

23. The Shopping Center was built in or about 1985 when the Ramsey Planning Board (the “Board”) approved the original site plan (the “1985 Site Plan”). The 1985 Site Plan includes a zoning variance for parking which permits the Shopping Center to contain 466 spaces. The Shopping Center is located in the B-3 Commercial Zone District.

The Proposed 24 Hour Fitness - Ramsey

24. Heretofore, Plaintiff entered into an agreement with 24 Hour Fitness to open and operate a fitness center as a co-anchor tenant at the Shopping Center. As part of the transaction, Plaintiff sought all necessary zoning authorization for the 24 Hour Fitness center.

25. Ramsey Zoning Ordinances authorize an applicant to obtain a site waiver in lieu of engaging in formal site plan review so long as the applicant does not seek to effectuate a “renovation” at the property. The Board has long interpreted the term “renovation” to only constitute the creation of additional square footage or floor space.

26. On July 18, 2013, 24 Hour Fitness filed a site plan waiver application with the Board. The application was granted on August 20, 2013.

27. On October 4, 2013, TSI filed a six-count complaint in lieu of prerogative writs in the Superior Court of New Jersey, Bergen County (the “First Action”), challenging the site plan waiver. The parties stipulated that the application would be resubmitted to the Board so that TSI could have the opportunity to participate in the hearing. As a result, the First Action was dismissed on consent.

28. Plaintiff submitted a second site plan waiver application for itself and on behalf of 24 Hour Fitness in early 2014 (the “Second Application”). Plaintiff’s proposed project included

30. Plaintiff established that there was no change to the proposed use of the Shopping Center because a different fitness center previously occupied the second floor of the Shopping Center. Plaintiff sought to have 24 Hour Fitness occupy the entire second floor and approximately 19,446 square feet of the ground floor.

32. Likewise, Plaintiff did not originally propose any physical changes to the parking lot. It was only after Defendants objected that Plaintiff agreed to restripe the parking lot according to the 1985 Site Plan to provide for 466 parking spaces.

33. Throughout the Second Application process, Defendants engaged in frivolous and objectively unreasonable conduct by objecting and frustrating Plaintiff's efforts to obtain

approval for the 24 Hour Fitness location through a series of lawsuits and challenges (collectively, the “Sham Litigation”).

34. Upon information and belief, the decision to pursue Sham Litigation was conceived by senior executives of the parent companies of New York Sports Club in conjunction with the local operator.

35. Defendants made objectively baseless objections to the Second Application before the Board. Specifically, Defendants wrongly contended that (i) the Second Application required formal site-plan approval; (ii) Plaintiff was required to build additional parking spots; and (iii) the Second Application would cause traffic hazards or congestion.

36. The Board overruled Defendants’ baseless objections and unanimously voted to approve the Second Application, as memorialized in its June 17, 2014 decision (the “Board’s Decision”). The Board rejected all of Defendants’ arguments, and found that Plaintiff could proceed through a waiver of a site plan because the “proposal does not involve the construction of a new building or the extension or renovation of an existing building.” The Board also held that (i) the Shopping Center did not require additional parking; and (ii) there would be no traffic hazards, drainage concerns or congestion. A copy of the Board’s Decision is annexed hereto as Exhibit A.

37. Not content with dragging out the approval process before the Board, Defendants filed an action in lieu of prerogative writs in the Superior Court of New Jersey, Bergen County, Docket No. L-7530-14, challenging the Board’s Decision on August 1, 2014 (the “Second Action”). After a trial de novo, the Honorable William C. Meehan, J.S.C. (retired and temporarily assigned on recall) affirmed the Board’s Decision in a comprehensive written opinion dated March 18, 2015. Judge Meehan found that Defendants’ proposed interpretation of

the Ramsey Zoning Ordinances was “illogical” and that Plaintiff was not required to obtain full site plan review. A copy of Judge Meehan’s decision is annexed hereto as Exhibit B.

38. Despite suffering a resounding second defeat before the trial court, Defendants continued their course of vexatious litigation by filing a notice of appeal with the Superior Court of New Jersey, Appellate Division, on April 29, 2015 (the “Appeal”). Defendants’ Appeal is merely another repackaging of the meritless claims that were rejected by both the Board and Judge Meehan. The Appeal is fully briefed and awaiting oral argument.

Anti-Competitive Nature of Defendants’ Conduct

39. The Sham Litigation was objectively baseless because Defendants’ twisted interpretation of the Ramsey Zoning Ordinances is unreasonable and lacks a factual or legal basis.

40. Upon information and belief, Defendants pursued the Sham Litigation knowing that their claims were unfounded.

41. Upon information and belief, rather than seeking a justifiable legal remedy, the Sham Litigation was motivated by Defendants’ desire to impose anti-competitive injury by hindering, obstructing, delaying, and impeding Plaintiff from promptly obtaining all necessary governmental approvals or waivers for the proposed 24 Hour Fitness location, a large fitness center that would directly compete with NYSC Ramsey.

Defendants’ Interference in Other Competitor Development Projects

42. Upon information and belief, Defendants’ Sham Litigation is not the first time that Defendants and their affiliated New York Sports clubs have engaged in a course of conduct designed to maintain monopoly power by interfering with a competitor’s efforts to open a competing facility.

43. Upon information and belief, Defendants, in conjunction with affiliates, have engaged in similar anticompetitive conduct in numerous other projects throughout the State of New Jersey.

44. For example, in *TSI East Brunswick v. Zoning Bd. of Adjustment of Twp. Of East Brunswick*, Docket No. L-4602-10, Defendants attempted to interfere with the approval of a proposed LA Fitness center. The zoning board, trial court, Appellate Division, and Supreme Court of New Jersey all uniformly rejected Defendants' argument that LA Fitness was required to obtain a use variance. See *TSI East Brunswick v. Zoning Bd. of Adjustment of Twp. of East Brunswick*, 2012 WL 652550 (N.J. App. Div. March 1, 2012), *aff'd*, 215 N.J. 26 (N.J. 2013).

45. In another example, *TSI Marlboro, Inc. v. Twp. Of Marlboro Zoning Bd. of Adjustment et al.*, Docket No. L-1623-04, Defendants unsuccessfully objected to a proposed large fitness center. The Appellate Division subsequently affirmed the zoning board's grant of a use variance to the applicant. See *TSI Marlboro, Inc. v. Twp. Of Marlboro Zoning Bd. of Adjustment et al.*, 2008 WL 4091680 (N.J. App. Div. Sept. 5, 2008).

46. Upon information and belief, Defendants have engaged in additional instances of similar anticompetitive conduct throughout the State of New Jersey.

47. Upon information and belief, Defendants are aware of their anticompetitive conduct, which is part of a calculated business strategy designed to attempt to prevent competitors from entering into the large fitness center market.

**AS AND FOR A FIRST CAUSE OF ACTION
(Violation of Section 2 of the Sherman Act, 15 U.S.C. § 2
Sham Litigation: Monopolization and Attempted Monopolization –
Large Fitness Center Market)**

48. Plaintiff repeats and realleges the allegations set forth in paragraphs "1" through "47" as though set forth at length herein.

49. Defendants' conduct violates Section 2 of the Sherman Act, 15 U.S.C. § 2 because Defendants have engaged in predatory or anti-competitive conduct with a specific intent to monopolize the large fitness center market.

50. Upon information and belief, when Defendants initiated the Sham Litigation they knew or should have known that they lacked a legitimate basis to succeed in the challenge to the waiver and that the challenge was objectively baseless.

51. By pursuing the Sham Litigation Defendants intended to acquire and maintain monopoly power in the greater Northwest Bergen County geographic market for large fitness centers.

52. The Sham Litigation was subjectively baseless because Defendants' claims were merely an attempt to thwart and interfere with Plaintiff's business relationship with 24 Hour Fitness, as well as Plaintiff's efforts to comply with local ordinances to open the 24 Hour Fitness location that would compete with Defendants in the relevant market.

53. Upon information and belief, Defendants were motivated by a desire to impose anti-competitive injury on Plaintiff by preventing the 24 Hour Fitness location from opening, thereby preventing 24 Hour Fitness from entering into the market for large fitness centers in the greater Northwest Bergen County area.

54. Unless the baseless Sham Litigation is withdrawn, there is a dangerous probability that Defendants will acquire monopoly power because of their dominant position in the relevant market, the high entry barriers to the market, and the absence of other competitors.

55. By preventing the proposed 24 Hour Fitness location from opening, Defendants will have eliminated the only competitor entering the relevant large fitness center market, resulting in Defendants having monopolistic power in the relevant market.

56. Plaintiff's injuries, which badly threaten the entire value of the Shopping Center, are inextricably intertwined with those suffered by 24 Hour Fitness because the anti-competitive actions of Defendants are directed toward Plaintiff and prevent Plaintiff from fully utilizing the Shopping Center to include a large fitness center which will be a co-anchor tenant. Given the high barriers of entry into the large fitness center market, if the opening of the 24 Hour Fitness location is further delayed, 24 Hour Fitness will be unable to compete with Defendants in the greater Northwest Bergen County area.

57. Furthermore, by targeting the approvals necessary to fully utilize the Shopping Center, Defendants' actions are intended to prevent Plaintiff from utilizing its property for any other large fitness centers which would compete with Defendants in the relevant geographic market.

58. Defendants' intent in filing the Sham Litigation is to frustrate the transaction and unnecessarily delay the approvals necessary to complete the proposed 24 Hour Fitness location so that 24 Hour Fitness decides against proceeding with the proposed location. Defendants also intend to set an example for other potential tenants at the Shopping Center in order to deter them from similarly attempting to operate a competing large fitness center at the Shopping Center or within the greater Northwest Bergen County area.

59. As a result of Defendants' unlawful acts, Plaintiff has suffered and will continue to suffer antitrust injury in an amount to be proven at trial, but believed to be in the tens of millions of dollars, including preventing Plaintiff proceeding with 24 Hour Fitness as a tenant, replete with a devastating loss of rental income and a reduction in overall property value.

60. As a result, Defendants have hindered Plaintiff from realizing the financial benefits of its proposed tenancy with 24 Hour Fitness. In addition, Defendants have forced

Plaintiff to expend substantial amounts of money, time, and resources to respond to the baseless Sham Litigation.

**AS AND FOR A SECOND CAUSE OF ACTION
(New Jersey State Antitrust Act: Sham Litigation – Attempt to Monopolize
Large Fitness Center Market)**

61. Plaintiff repeats and realleges the allegations set forth in paragraphs “1” through “60” as though set forth at length herein.

62. Defendants’ conduct violates the New Jersey Antitrust Act, N.J.S.A. 56:9-1 et seq., because Defendants have engaged in predatory or anti-competitive conduct with a specific intent to monopolize the large fitness center market.

63. Upon information and belief, when Defendants initiated the Sham Litigation they knew or should have known that they lacked a legitimate basis to succeed in the challenge to the waiver and that the challenge was objectively baseless.

64. By pursuing the Sham Litigation Defendants intended to acquire and maintain monopoly power in the greater Northwest Bergen County geographic market for large fitness centers.

65. The Sham Litigation was subjectively baseless because Defendants’ claims were merely an attempt to thwart and interfere with Plaintiff’s business relationship with 24 Hour Fitness, as well as Plaintiff’s efforts to comply with local ordinances to open the 24 Hour Fitness location that would compete with Defendants in the relevant market.

66. Upon information and belief, Defendants were motivated by a desire to impose anti-competitive injury on Plaintiff by preventing the 24 Hour Fitness location from opening, thereby preventing 24 Hour Fitness from entering into the market for large fitness centers in the greater Northwest Bergen County area.

67. Unless the baseless Sham Litigation is withdrawn, there is a dangerous probability that Defendants will acquire monopoly power because of their dominant position in the relevant market, the high entry barriers to the market, and the absence of other competitors.

68. By preventing the proposed 24 Hour Fitness location from opening, Defendants will have eliminated the only competitor entering the relevant large fitness center market, resulting in Defendants having monopolistic power in the relevant market.

69. Plaintiff's injuries, which badly threaten the entire value of the Shopping Center, are inextricably intertwined with those suffered by 24 Hour Fitness because the anti-competitive actions of Defendants are directed toward Plaintiff and prevent Plaintiff from fully utilizing the Shopping Center to include a large fitness center which will be a co-anchor tenant. Given the high barriers of entry into the large fitness center market, if the opening of the 24 Hour Fitness location is further delayed, 24 Hour Fitness will be unable to compete with Defendants in the greater Northwest Bergen County area.

70. Furthermore, by targeting the approvals necessary to utilize the Shopping Center, Defendants' actions are intended to prevent Plaintiff from utilizing its property for any other large fitness centers which would compete with Defendants in the relevant geographic market.

71. Defendants' intent in filing the Sham Litigation is to frustrate the transaction and unnecessarily delay the approvals necessary to complete the proposed 24 Hour Fitness location so that 24 Hour Fitness decides against proceeding with the proposed location. Defendants also intend to set an example for other potential tenants at the Shopping Center in order to deter them from similarly attempting to operate a competing large fitness center at the Shopping Center or within the greater Northwest Bergen County area.

72. As a result of Defendants' unlawful acts, Plaintiff has suffered and will continue to suffer antitrust injury in an amount to be proven at trial, but believed to be in the tens of millions of dollars, including preventing Plaintiff proceeding with 24 Hour Fitness as a tenant, replete with a devastating loss of rental income and a reduction in overall property value.

73. As a result, Defendants have hindered Plaintiff from realizing the financial benefits of its proposed tenancy with 24 Hour Fitness. In addition, Defendants have forced Plaintiff to expend substantial amounts of money, time, and resources to respond to the baseless Sham Litigation.

**AS AND FOR A THIRD CAUSE OF ACTION
(Tortious Interference with Agreement Between Plaintiff and 24 Hour Fitness)**

74. Plaintiff repeats and realleges the allegations set forth in paragraphs "1" through "73" as though set forth at length herein.

75. Defendants knew or should have known that Plaintiff had entered into an agreement with 24 Hour Fitness for the opening of a large fitness center at the Shopping Center.

76. Defendants are not parties to the agreement between Plaintiff and 24 Hour Fitness.

77. Plaintiff reasonably anticipated that it would be able to satisfy its obligations to obtain all necessary governmental approvals or waivers for the 24 Hour Fitness location at the Shopping Center.

78. Defendants, through the use of Sham Litigation and other anti-competitive acts set forth above, interfered with the agreement between Plaintiff and 24 Hour Fitness.

79. Defendants' actions were undertaken willfully and intentionally in order to harm and injure Plaintiff.

80. Defendants knew or should have known that their actions were certain to interfere with Plaintiff's ability to satisfy its agreement with 24 Hour Fitness.

81. As a result of Defendants' sham litigation and anti-competitive acts, Plaintiff has suffered damage in an amount to be determined at trial, but believed to be in the tens of millions of dollars, including preventing Plaintiff proceeding with 24 Hour Fitness as a tenant, replete with a devastating loss of rental income and a reduction in overall property value.

**AS AND FOR A FOURTH CAUSE OF ACTION
(Tortious Interference with Prospective Economic Advantage)**

82. Plaintiff repeats and realleges the allegations set forth in paragraphs "1" through "81" as though set forth at length herein.

83. Plaintiff reasonably anticipated that it would be able to satisfy its obligations to obtain all necessary governmental approvals or waivers for the 24 Hour Fitness location at the Shopping Center, thereby entitling Plaintiff to collect significant rent from its new tenant. The collection of rent provides a substantial economic advantage to Plaintiff.

84. Defendants, through the Sham Litigation and other anti-competitive acts set forth above, interfered with the agreement between Plaintiff and 24 Hour Fitness, and Plaintiff's prospective economic advantage under same.

85. Defendants' actions were undertaken willfully and intentionally to harm and injure Plaintiff. As a result of Defendants' sham litigation and anti-competitive acts, Plaintiff has suffered damage in an amount to be determined at trial, but believed to be in the tens of millions of dollars, including preventing Plaintiff proceeding with 24 Hour Fitness as a tenant, replete with a devastating loss of rental income and a reduction in overall property value.

WHEREFORE, Plaintiff Triangle 17 Center, LLC, hereby demands relief against Defendants as follows:

- A. An award of compensatory damages in an amount to be determined at trial, but believed to be in the tens of millions of dollars;
- B. A finding that Defendants violated Section 2 of the Sherman Act, 15 U.S.C. § 2, and awarding treble damages under 15 U.S.C. § 15;
- C. A finding that Defendants violated the New Jersey Antitrust Act (N.J.S.A. 56:9-1, et seq.), and awarding treble damages under N.J.S.A. 56:9-12;
- D. A permanent injunction enjoining Defendants from monopolizing or attempting to monopolize the relevant geographic area as provided by 15 U.S.C. § 26 and N.J.S.A. 56:9-10;
- E. An award of punitive damages as a result of Defendants' willful and intentional acts in an amount to be determined at trial, but believed to be in the tens of millions of dollars;
- F. Awarding Plaintiff its costs, expenses, and attorneys' fees in connection with this action; and
- G. Such further and additional relief as the Court deems just and proper.

Dated: New York, New York
January 20, 2016

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By: /s/ Evan M. Lazerowitz
Evan M. Lazerowitz
Kevin J. Nash (*pro hac vice*
application to be filed)

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: New York, New York
January 20, 2016

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Evan M. Lazerowitz
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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I hereby certify that the matter in controversy is not the subject of any other action pending in this or any other court, except the pending zoning appeal, *TSI Ramsey, LLC v. Borough of Ramsey Planning Board, 24 Hour Fitness USA, Inc., & Triangle 17 Center, LLC*, Docket No. L-7530-14, Appellate Division Docket No. A-3850-14.

Dated: New York, New York
January 20, 2016

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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 201.1

I hereby certify that the above-captioned matter is not subject to compulsory arbitration because Plaintiff seeks damages in excess of \$150,000 and injunctive relief.

Dated: New York, New York
January 20, 2016

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