

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

TAXI TOURS INC.,

Plaintiff,

-against-

GO NEW YORK TOURS, INC.,

Defendant.

Index No. 653012/2019

I.A.S. Part 54

Hon. Jennifer G. Schechter, J.S.C.

NOTICE OF MOTION

GO NEW YORK TOURS, INC.,

Counterclaim-
Plaintiff,

-against-

BIG BUS TOURS LIMITED, OPEN TOP
SIGHTSEEING USA, INC., TAXI TOURS,
INC., GO CITY LIMITED, GO CITY NORTH
AMERICA, LLC, GO CITY, INC., GRAY LINE
NEW YORK TOURS, INC., TWIN AMERICA,
LLC, and SIGHTSEEING PASS LLC,

Counterclaim-
Defendants.

PLEASE TAKE NOTICE, that upon the accompanying affirmation of Peter M. Sartorius dated June 15, 2023, and the exhibits annexed thereto, the accompanying affidavit of Brett Hollenbeck sworn to June 15, 2023, and the accompanying memorandum of law, counterclaim-defendants Open Top Sightseeing USA, Inc., Taxi Tours, Inc., Go City North America, LLC, and Go City Inc., by their attorneys Olshan Frome Wolosky LLP, will move this Court, located at 60 Centre Street, Room 130, New York, New York, on July 14, 2023, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order:

- A. excluding the expert report of Steven M. Sheffield dated April 27, 2023, proffered by counterclaim-plaintiff Go New York Tours, Inc. (“**Go New York**”);
- B. precluding Go New York from proffering testimony by Mr. Sheffield in connection with any substantive motions or at trial; and
- C. granting all other relief to counterclaim-defendants that the Court determines to be appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s Order dated June 2, 2023 [NYSCEF Doc. No. 281], any answering affidavits must be filed by July 6, 2023.

Dated: New York, New York
June 15, 2023

OLSHAN FROME WOLOSKY LLP

By: /s/ Peter M. Sartorius

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Open Top Sightseeing USA, Inc., Taxi
Tours, Inc., Go City North America,
LLC, and Go City Inc.*