

Goldman Leslie  
Form 4  
August 27, 2009

**FORM 4**

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

OMB APPROVAL

OMB Number: 3235-0287  
Expires: January 31, 2005  
Estimated average burden hours per response... 0.5

Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

**STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

(Print or Type Responses)

1. Name and Address of Reporting Person \*  
Goldman Leslie

(Last) (First) (Middle)

450 W. 33RD STREET, 5TH FLOOR

(Street)

NEW YORK, NY 10001

(City) (State) (Zip)

2. Issuer Name and Ticker or Trading Symbol

New York & Company, Inc. [NWY]

3. Date of Earliest Transaction (Month/Day/Year)

08/26/2009

4. If Amendment, Date Original Filed(Month/Day/Year)

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

\_\_\_ Director \_\_\_ 10% Owner  
\_X\_ Officer (give title below) \_\_\_ Other (specify below)

EVP, Merchandising

6. Individual or Joint/Group Filing(Check Applicable Line)

\_X\_ Form filed by One Reporting Person  
\_\_\_ Form filed by More than One Reporting Person

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)	4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)	5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Ownership (Instr. 4)
				(A) or (D)	Amount (D) Price		
Common Stock	08/26/2009		D	(D)	39,555 (1) \$ 0 5,524 (2)	D	

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

**Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

SEC 1474 (9-02)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)**

Edgar Filing: Goldman Leslie - Form 4

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)	5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)	7. Title and Amount of Underlying Securities (Instr. 3 and 4)	8. Price of Underlying Securities (Instr. 3 and 4)
Options to Purchase Common Stock	\$ 7.18					<u>(3)</u> 05/21/2018	Common Stock	30,000
Options to Purchase Common Stock	\$ 4.74					<u>(4)</u> 03/19/2018	Common Stock	70,000
Options to Purchase Common Stock	\$ 3.28					<u>(5)</u> 03/21/2017	Common Stock	8,919
Options to Purchase Common Stock	\$ 3.28					<u>(6)</u> 05/17/2016	Common Stock	18,308
Options to Purchase Common Stock	\$ 3.28					<u>(6)</u> 03/15/2016	Common Stock	3,535
Options to Purchase Common Stock	\$ 0.11					<u>(7)</u> 04/02/2013	Common Stock	20,787

## Reporting Owners

Reporting Owner Name / Address

Relationships

Reporting Owners

## Edgar Filing: Goldman Leslie - Form 4

Director   10% Owner   Officer   Other

Goldman Leslie  
450 W. 33RD STREET  
5TH FLOOR  
NEW YORK, NY 10001

EVP, Merchandising

### Signatures

Linda Gormezano, attorney in fact /s/ Linda  
Gormezano

08/27/2009

\_\_Signature of Reporting Person

Date

### Explanation of Responses:

- \* If the form is filed by more than one reporting person, *see* Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).  
On November 19, 2008, the Reporting Person was granted 39,555 shares of restricted stock, subject to performance vesting requirements based on the operating income level achieved by the Company for the first two fiscal quarters of fiscal year 2009 ("Spring 2009"). As a result of the operating loss reported by the Company for Spring 2009, all 39,555 shares of restricted stock were forfeited.
- (1) Represents 5,524 shares of common stock.
- (2) The options become exercisable in four annual installments on the following dates: 7,500 shares on May 21, 2009; 7,500 shares on May 21, 2010; 7,500 shares on May 21, 2011; and 7,500 shares on May 21, 2012.
- (3) The options become exercisable in four annual installments on the following dates: 17,500 shares on March 19, 2009; 17,500 shares on March 19, 2010; 17,500 shares on March 19, 2011; and 17,500 shares on March 19, 2012.
- (4) The options become exercisable on the following dates: 6,689 shares on June 29, 2011 and 2,230 shares on March 21, 2012.
- (5) The options become exercisable on June 29, 2011.
- (6) The options to purchase common stock are currently exercisable.
- (7)

### Remarks:

Except as outlined above, the filing of this Form shall not be deemed an admission that the Reporting Person is the beneficial owner of the securities.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure.

Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.