

Brooslin Viviano Sandra  
 Form 4  
 December 03, 2009

**FORM 4**

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

OMB APPROVAL

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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 \*  
 Brooslin Viviano Sandra

(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)

12/01/2009

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, Human Resources

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)
Common Stock				(A) or (D) Price	228,325	D	

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

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

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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)	Amount or Number of Shares
Options to Purchase Common Stock	\$ 3.94	12/01/2009		A	75,000 <u>(1)</u>	<u>(2)</u> 12/01/2019	Common Stock	75,000
Options to Purchase Common Stock	\$ 4.74					<u>(3)</u> 03/19/2018	Common Stock	20,000
Options to Purchase Common Stock	\$ 3.28					<u>(4)</u> 03/21/2017	Common Stock	7,756
Options to Purchase Common Stock	\$ 3.28					<u>(5)</u> 03/15/2016	Common Stock	5,303
Options to Purchase Common Stock	\$ 0.11					<u>(6)</u> 04/02/2013	Common Stock	21,048

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
Brooslin Viviano Sandra 450 W. 33RD STREET 5TH FLOOR NEW YORK, NY 10001			EVP, Human Resources	

## Signatures

/s/ Sandra Brooslin  
Viviano

12/03/2009

\_\_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).
- (1) The reporting person was granted an employee option to purchase common stock on December 1, 2009.
  - (2) The options become exercisable in four annual installments on the following dates: 18,750 shares on December 1, 2010; 18,750 shares on December 1, 2011; 18,750 shares on December 1, 2012; and 18,750 shares on December 1, 2013.
  - (3) The options become exercisable in four annual installments on the following dates: 5,000 shares on March 19, 2009; 5,000 shares on March 19, 2010; 5,000 shares on March 19, 2011; and 5,000 shares on March 19, 2012.
  - (4) The options become exercisable on the following dates: 5,817 shares on June 29, 2011 and 1,939 shares on March 21, 2012.
  - (5) The options become exercisable on June 29, 2011.
  - (6) The options to purchase common stock are currently exercisable.

### 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.