

Crystal Richard P  
Form 4  
January 30, 2007

**FORM 4**

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

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

## OMB APPROVAL

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(Print or Type Responses)

1. Name and Address of Reporting Person \*  
Crystal Richard P

2. Issuer Name **and** Ticker or Trading  
Symbol  
New York & Company, Inc. [NWY]

5. Relationship of Reporting Person(s) to  
Issuer

(Check all applicable)

(Last) (First) (Middle)

450 W. 33RD ST., 5TH FLOOR

3. Date of Earliest Transaction  
(Month/Day/Year)  
01/29/2007

☒ Director ☐ 10% Owner  
☒ Officer (give title below) ☐ Other (specify below)

Chairman, CEO & President

(Street)

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

6. Individual or Joint/Group Filing(Check  
Applicable Line)  
☒ Form filed by One Reporting Person  
☐ Form filed by More than One Reporting  
Person

NEW YORK, NY 10001

(City) (State) (Zip)

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

| 1. Title of<br>Security<br>(Instr. 3) | 2. Transaction Date<br>(Month/Day/Year) | 2A. Deemed<br>Execution Date, if<br>any<br>(Month/Day/Year) | 3. Transaction<br>Code<br>(Instr. 8) | 4. Securities Acquired<br>(A) or Disposed of (D)<br>(Instr. 3, 4 and 5) | 5. Amount of<br>Securities<br>Beneficially<br>Owned<br>Following<br>Reported<br>Transaction(s)<br>(Instr. 3 and 4) | 6. Ownership<br>Form: Direct<br>(D) or<br>Indirect (I)<br>(Instr. 4) | 7. Nature of<br>Indirect<br>Beneficial<br>Ownership<br>(Instr. 4) |
|---------------------------------------|---|---|--------------------------------------|---|--|--|---|
|                                       |   |   | Code                                 | V   | Amount   | (A)<br>or<br>(D)   | Price   |
| Common<br>Stock <u>(1)</u>            | 01/29/2007                              |   | M                                    |   | 2,700  | A  | \$ 0.11   |
| Common<br>Stock <u>(1)</u> <u>(2)</u> | 01/29/2007                              |   | S                                    |   | 2,700  | D  | \$<br>15.001  |

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

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SEC 1474  
(9-02)

## Edgar Filing: Crystal Richard P - Form 4

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

| 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) |                 |              |                            |
|---|--|--------------------------------------|--|--------------------------------|---|--|-----|---|-----------------|--------------|----------------------------|
|   |  |                                      |  | Code                           | V   | (A)  | (D) | Date Exercisable  | Expiration Date | Title        | Amount or Number of Shares |
| Options to Purchase Common Stock <sup>(1)</sup> | \$ 0.11  | 01/29/2007                           |  | M                              |   | 2,700  |     | <sup>(3)</sup>  | 11/27/2012      | Common Stock | 2,700                      |
| Options to Purchase Common Stock                | \$ 3.23  |                                      |  |                                |   |  |     | <sup>(3)</sup>  | 05/14/2014      | Common Stock | 486,453                    |
| Options to Purchase Common Stock                | \$ 15.76   |                                      |  |                                |   |  |     | <sup>(4)</sup>  | 03/15/2016      | Common Stock | 45,000                     |

## Reporting Owners

| Reporting Owner Name / Address  | Relationships |           |                           |       |
|---|---------------|-----------|---------------------------|-------|
|   | Director      | 10% Owner | Officer                   | Other |
| Crystal Richard P<br>450 W. 33RD ST.<br>5TH FLOOR<br>NEW YORK, NY 10001 | X             |           | Chairman, CEO & President |       |

## Signatures

/s/ Richard P.  
Crystal

01/30/2007

\*\*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) This exercise of options to purchase Common Stock and the sale of Common Stock are pursuant to the reporting person's 10b5-1 Plan which commenced on November 20, 2006 under Rule 10b5-1 under the Securities Exchange Act of 1934, as amended.  
  
Includes 343,553 shares of Common Stock. Also includes 15,000 shares of restricted stock which may become exercisable pursuant to a vesting schedule ending on August 16, 2010 depending on company performance and continued employment through August 16, 2010.
- (2) If certain company performance objectives are met throughout the 4-year vesting period, the restricted stock will vest over the next four years as follows: 1,875 on February 3, 2007; 3,750 on February 2, 2008; 3,750 on January 31, 2009; 3,750 on January 30, 2010; and 1,875 on August 16, 2010. If on August 16, 2010, the company's cumulative 4-year performance meets the cumulative 4-year performance objectives, then any unvested shares will vest.
- (3) The options to purchase Common Stock are currently exercisable.
- (4) The options become exercisable in five annual installments on the following dates: 6,750 shares on March 15, 2007; 6,750 shares on March 15, 2008; 9,000 shares on March 15, 2009; 11,250 shares on March 15, 2010; and 11,250 shares on March 15, 2011.

### 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.

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