

Finnegan Kevin  
Form 3  
June 01, 2009

**FORM 3 UNITED STATES SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

OMB APPROVAL

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**INITIAL STATEMENT OF 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 *		2. Date of Event Requiring Statement	3. Issuer Name <b>and</b> Ticker or Trading Symbol	
Â Finnegan Kevin		(Month/Day/Year)	New York & Company, Inc. [NWy]	
(Last)	(First)	(Middle)	4. Relationship of Reporting Person(s) to Issuer	5. If Amendment, Date Original Filed(Month/Day/Year)
		05/20/2009		
450 W. 33RD STREET,Â 5TH FLOOR			(Check all applicable)	
(Street)			<input type="checkbox"/> Director	<input type="checkbox"/> 10% Owner
			<input checked="" type="checkbox"/> Officer	<input type="checkbox"/> Other
			(give title below)	(specify below)
			EVP, Global Sales & Operations	
NEW YORK,Â NYÂ 10001				6. Individual or Joint/Group Filing(Check Applicable Line)
(City)	(State)	(Zip)		<input checked="" type="checkbox"/> Form filed by One Reporting Person
				<input type="checkbox"/> Form filed by More than One Reporting Person

**Table I - Non-Derivative Securities Beneficially Owned**

1. Title of Security (Instr. 4)	2. Amount of Securities Beneficially Owned (Instr. 4)	3. Ownership Form: Direct (D) or Indirect (I) (Instr. 5)	4. Nature of Indirect Beneficial Ownership (Instr. 5)
Common Stock	167,259 <sup>(1)</sup> <sup>(2)</sup>	D	Â
Common Stock	4,372 <sup>(3)</sup>	I	KLF 2004 Grantor Retained Annuity Trust

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly. SEC 1473 (7-02)

**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.**

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

1. Title of Derivative Security (Instr. 4)	2. Date Exercisable and Expiration Date (Month/Day/Year)	3. Title and Amount of Securities Underlying Derivative Security	4. Conversion or Exercise	5. Ownership Form of	6. Nature of Indirect Beneficial Ownership (Instr. 5)
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	Date Exercisable	Expiration Date	(Instr. 4) Title	Amount or Number of Shares	Price of Derivative Security	Derivative Security: Direct (D) or Indirect (I) (Instr. 5)	
Options to Purchase Common Stock	Â <u>(4)</u>	03/18/2019	Common Stock	30,000	\$ 2.86	D	Â
Options to Purchase Common Stock	Â <u>(5)</u>	03/19/2018	Common Stock	20,000	\$ 4.74	D	Â
Options to Purchase Common Stock	Â <u>(6)</u>	03/21/2017	Common Stock	11,500	\$ 16	D	Â

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
Finnegan Kevin 450 W. 33RD STREET 5TH FLOOR NEW YORK, NY 10001	Â	Â	Â EVP, Global Sales & Operations	Â

## Signatures

/s/ Kevin Finnegan  
Date: 06/01/2009

\*\*Signature of Reporting Person

## Explanation of Responses:

- \* If the form is filed by more than one reporting person, *see* Instruction 5(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) Includes 121,300 shares of common stock, 35,959 shares of restricted stock described in footnote #2 and 10,000 shares of restricted stock that vests on the following dates: 2,500 shares on June 24, 2009; 2,500 shares on June 24, 2010; 2,500 shares on June 24, 2011; and 2,500 shares on June 24, 2012.
- (2) On November 19, 2008, the Reporting Person was granted an award of restricted stock in connection with the modification of the Company's Spring 2009 bonus plan. The Company, its senior management and its Board of Directors have agreed to modify the spring bonus plan under the Company's Incentive Compensation Plan, such that target bonuses for senior management will be reduced by 50% and will not be paid with cash but rather will be paid with an award of the Company's common stock if the Company achieves the applicable operating income targets for Spring 2009 that were approved by the Compensation Committee of its Board of Directors. For a further description of the Company's Incentive Compensation Plan, refer to its 2009 Proxy Statement filed with the Securities and Exchange Commission on May 15, 2009.
- (3) Represents common stock indirectly beneficially owned through the Kevin L. Finnegan 2004 Grantor Retained Annuity Trust.
- (4) The options become exercisable in four annual installments on the following dates: 7,500 shares on March 18, 2010; 7,500 shares on March 18, 2011; 7,500 shares on March 18, 2012; and 7,500 shares on March 18, 2013.
- (5) 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.
- (6) The options become exercisable on the following dates: 1,725 shares on March 21, 2008; 1,725 shares on March 21, 2009; 2,300 shares on March 21, 2010; 2,875 shares on March 21, 2011; and 2,875 shares on March 21, 2012.

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**Remarks:**

Except as outlined above, the filing of this Form shall not be deemed an admission that the report

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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