

Brooslin Viviano Sandra  
 Form 4  
 April 15, 2010

**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

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**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)

04/13/2010

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

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

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

EVP, Human Resources

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

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)
			Code	V	Amount	(A) or (D)	Price
Common Stock <sup>(1)</sup>	04/13/2010		M		21,048	A	\$ 0.11
Common Stock <sup>(1)</sup>	04/13/2010		S		21,048	D	\$ 5.02
Common Stock <sup>(2)</sup>	04/14/2010		S		8,355	D	\$ 5.75

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

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SEC 1474 (9-02)

number.

**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	04/13/2010		M	21,048	<sup>(3)</sup>	04/02/2013	Common Stock	21,048
Options to Purchase Common Stock	\$ 3.94					<sup>(4)</sup>	12/01/2019	Common Stock	75,000
Options to Purchase Common Stock	\$ 4.74					<sup>(5)</sup>	03/19/2018	Common Stock	20,000
Options to Purchase Common Stock	\$ 3.28					<sup>(6)</sup>	03/21/2017	Common Stock	7,756
Options to Purchase Common Stock	\$ 3.28					<sup>(7)</sup>	03/15/2016	Common Stock	5,303

## Reporting Owners

Reporting Owner Name / Address	Relationships			
	Director	10% Owner	Officer	Other
			EVP, Human Resources	

Brooslin Viviano Sandra  
450 W. 33RD STREET  
5TH FLOOR  
NEW YORK, NY 10001

## Signatures

Linda Gormezano, attorney in fact /s/ Linda  
Gormezano

04/15/2010

\_\_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 March 22, 2010 under Rule 10b5-1 under the Securities Exchange Act of 1934, as amended.
- (2) This sale of common stock is pursuant to the reporting person's 10b5-1 plan, which commenced on March 22, 2010 under Rule 10b5-1 under the Securities Exchange Act of 1934, as amended.
- (3) The options to purchase common stock have been fully exercised.
- (4) 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.
- (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: 5,817 shares on June 29, 2011 and 1,939 shares on March 21, 2012.
- (7) The options become exercisable on June 29, 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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