

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL BERGAMASCHI, <i>et al.</i> , on behalf of	:	
themselves and all others similarly situated,	:	
	:	20-cv-2817 (CM)
Plaintiffs,	:	
	:	NOTICE OF MOTION
- against -	:	
	:	
ANDREW M. CUOMO, Governor of New York	:	
State, in his official capacity, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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**PLEASE TAKE NOTICE** that, upon the declaration of Timothy O’Brien dated October \_\_, 2020, and the exhibits thereto, the declaration of Rhonda Tomlinson dated October \_\_, 2020, and the exhibits thereto, the declaration of Melissa McLaughlin dated October \_\_, 2020, and the exhibits thereto, the Defendants’ Rule 56.1 Statement of Material Facts, and the accompanying memorandum of law dated October 23, 2020, and all other prior pleadings and proceedings herein, the undersigned, on behalf of Defendants Andrew M. Cuomo, Governor of New York State, and Tina M. Stanford, Chairperson of the New York State Board of Parole, sued here in their official capacities (collectively “Defendants”), will move this Court, before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Defendants summary judgment on the grounds that alleged parole violators are not entitled to a custody release determination under the Due Process Clause.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to order of Chief Judge McMahon, Plaintiffs' opposing papers and any cross-motion for summary judgment are due November 20, 2020 (Dkt No. 55).

Dated: New York, New York  
October 23, 2020

LETITIA JAMES  
Attorney General  
State of New York

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*Attorney for Defendants*

To: All counsel of record (via ECF)