

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PABLO BERIQUETE, DIOGENES FILPO,  
MARVIN HOLMES, LAWRENCE LEWIS, LUIS  
TORRES, MILAN HEGGS, ALONZO JACOBS,  
and DAVID RHODES, on behalf of themselves and  
others similarly situated,

Plaintiffs,

v.

DANIEL F. MARTUCELLO III, Acting  
Commissioner, New York State Department of  
Corrections and Community Supervision, and  
MARK MILLER, Superintendent, Green Haven  
Correctional Facility

Defendants.

**ECF CASE**

**NOTICE OF MOTION**

**79-cv-5077 (LAP)**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 23 and Local Civil Rule 7.1(a) and upon the Declaration of Amy Jane Agnew, the exhibits attached thereto, and the accompanying Memorandum of Law in Support of Motion for Preliminary Approval of the Modified Consent Order, and all other pleadings and records on file in this case, the Plaintiff Class will move before the Honorable Loretta A. Preska at a date and time to be determined by the Court for an Order pursuant to Fed. R. Civ. P. 23: (1) granting Preliminary approval of the Modified Consent Order (attached as Exhibit 1 to the Declaration of Amy Jane Agnew); (2) approval of the form of the Notice to the Class (attached as Exhibit 2 to the Declaration of Amy Jane Agnew), (3) approval of the Notice Plan; and (4) scheduling of a Final Fairness Hearing.

Dated: New York, New York  
November 7, 2024

Respectfully submitted,

**LAW OFFICE OF AMY JANE AGNEW, P.C.**

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