

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMON CAUSE/NEW YORK, as an
organization and on behalf of its members,

-Plaintiffs,

-against-

ROBERT A. BREHM, Co-Executive
Director, TODD D. VALENTINE,
Co-Executive Director, PETER S. KOSINSKI,
Co-Chair, DOUGLAS A. KELLNER, Co-Chair,
ANDREW J. SPANO, Commissioner, and
GREGORY P. PETERSON,
Commissioner, in their official capacities as
Commissioner of the NEW YORK STATE
BOARD OF ELECTIONS,

-Defendants.

**NOTICE OF MOTION TO
DISMISS**

Case No. 1:17-cv-06770-AJN
Hon. Alison J. Nathan

PLEASE TAKE NOTICE, that upon the Memorandum of Law in Support of their Motion to Dismiss the Complaint, dated November 17, 2017; the Declaration of Nicholas R. Cartagena, dated November 17, 2017; and all exhibits attached thereto, and upon all the papers and proceedings had herein, Defendants ROBERT A. BREHM, Co-Executive Director, TODD D. VALENTINE, Co-Executive Director, PETER S. KOSINSKI, Co-Chair, DOUGLAS A. KELLNER, Co-Chair, ANDREW J. SPANO, Commissioner, and GREGORY P. PETERSON, Commissioner, in their official capacities as Commissioner of the NEW YORK STATE BOARD OF ELECTIONS (collectively, “Defendants”) will move this Court, before the Honorable Alison J. Nathan, at the United States Courthouse for the Southern District of New York located at 40 Foley Square, New York, New York, 10007 on a date and at a time to be designated by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(1), based on lack of

standing, and 12(b)(6), for failure to state a claim, dismissing the Complaint and awarding such other and further relief as to this Court seems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order dated October 18, 2017(dkt. no. 32), Plaintiffs' opposition papers must be filed by December 22, 2017, and Defendants' reply must be filed by January 12, 2018.

November 17, 2017

/s/ Nicholas R. Cartagena
Nicholas R. Cartagena
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