

Campanello – 12(b) NOM
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LEONARD JOSEPH CAMPANELLO, et al,

Plaintiffs,

-against-

NEW YORK STATE BOARD OF ELECTIONS, et al,

Defendants.

16 CV 1892 SJF / AKT

DEFENDANT STATE
BOE'S NOTICE OF
MOTION TO DISMISS

TO: Law Offices of Clarke and Fellows PC
140 Gazza Boulevard
Farmingdale, NY 11735
Attorneys for plaintiffs

PLEASE TAKE NOTICE that based upon the attached Memorandum of Law, and all prior proceedings, defendant State BOE ^{1/}, by their attorney Eric T. Schneiderman, Attorney General of the State of New York (Ralph Pernick, Assistant Attorney General; of counsel), move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss this action for failure to state a claim, and for such other and further relief as this Court may deem just and proper. The motion is governed by the Individual Rules of Honorable Sandra J. Feuerstein, U.S.D.J.

Eric T. Schneiderman, Attorney
General of the State of New York
Attorney for defendant State BOE



By: _____
Ralph Pernick, Ass't. Attorney General
New York State Attorney General's Office
200 Old Country Road - Suite 240
Mineola, New York 11501-4239

May 16, 2016

^{1/} "State BOE" refers to the New York State Board of Elections, its Commissioners (Andrew J. Spano and Gregory P. Peterson), its Co-Chairs (Douglas A. Kellner and Peter S. Kosinski), and its Co-Executive Directors (Todd D. Valentine and Robert A. Brehm).