

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JONAS CABALLERO, on behalf of himself
and all others similarly situated,

NOTICE OF MOTION

Plaintiff,

9:20-cv-1470

-against-

(DNH/CFH)

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY SUPERVISION,

Defendants.

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, plaintiff's First Amended Complaint and Jury Demand (Dkt. No. 18), and upon all prior pleadings and proceedings herein, Defendant New York State Department of Corrections and Community Supervision, on a date and time to be determined by the Court, on submission of the papers, will make a motion at the United States District Court, Northern District of New York, Utica, New York, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12 (b)(6) for an order dismissing plaintiff's First Amended Complaint and Jury Demand (Dkt. No. 18) in its entirety, together with such other or further relief as may be just.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7.1 of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with the Court and served upon counsel for the defendant no later than twenty-one (21) days following service of the instant

motion.

Dated: Albany, New York
March 29, 2021

LETITIA JAMES
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Attorney for Defendant New York State
Department of Corrections and Community
Supervision
The Capitol, Albany, New York

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