

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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

*Plaintiff,*

-against-

NEW YORK STATE DEPARTMENT OF  
CORRECTIONS AND COMMUNITY SUPERVISION,

*Defendant.*

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**NOTICE OF  
CROSS-MOTION**

20-CV-1470

DNH/CFH

PLEASE TAKE NOTICE that upon the accompanying Attorney Affirmation of Matthew J. Gallagher, and the exhibits attached thereto; the Declarations of Rachael Young and El Hadji Gueye; Defendant's Response to Plaintiff's Statement Pursuant to Rule 56.1(a) and Defendants' Statement of Additional Facts in Support of Defendant's Cross-Motion for Summary Judgment; the accompanying Memorandum of Law; and upon all of the pleadings and proceedings herein, Defendant New York State Department of Corrections and Community Supervision will move the United States District Court, Northern District of New York, Utica, New York, on a date and time to be to be scheduled upon filing by the Clerk of Court, pursuant to Federal Rule of Civil Procedure 56(a) for an order granting Defendant summary judgment and dismissing the Amended Complaint in its entirety, together with costs, expenses, and such other or further relief as may be just, proper, and equitable.

Dated: Albany, New York  
April 5, 2024

LETITIA JAMES  
Attorney General  
State of New York  
*Attorney for Attorney for Defendant New York  
State Department of Corrections and  
Community Supervision*  
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TO: All counsel of record