

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL H. SLOAN,

Plaintiff,

NOTICE OF MOTION

15-CV-6963 (LGS)

-against-

MICHAEL MICHEL, JOSE MIGUEL ARAUJO,
RONALD CASTORINA JR., JOHN FLATEAU, MARIA
R. GUASTELLA, MICHAEL A. RENDINO, ALAN
SCHULKIN, SIMON SHAMOUN, GREGORY C.
SOUMAS, MICHAEL J. RYAN, BIANKA PEREZ,
STEVEN HOWARD RICHMAN, JERRY H.
GOLDFEDER, STANLEY KALMON SCHLEIN,
VENANCIO BENNY CATALA, DANIEL
SZALKIEWICZ, STEPHEN EDWARD KITZINGER,
DOUGLAS ARTHUR KELLNER, KIMBERLY GALVIN,
KATHLEEN O'KEEFE, BOARD OF ELECTIONS IN
THE CITY OF NEW YORK, NEW YORK STATE
BOARD OF ELECTIONS,

Defendants.

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PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Motion to Dismiss the Complaint, dated November 12, 2015, and upon all papers and proceedings previously had herein, **Defendants, Jerry H. Goldfeder, Stanley Kalmon Schlein, Venancio Benny Catala, Daniel Szalkiewicz, and Stephen Edward Kitzinger** will move this Court, before the Honorable Lorna G. Schofield, at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, New York, 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)(6) dismissing the Complaint on the grounds that (1) Plaintiff fails a cause of action, (2) Defendant Kitzinger is also entitled to absolute immunity; and (3) Defendant Szalkiewicz is also entitled to dismissal based on res judicata.

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Scheduling Order issued by the Court, Plaintiff's opposition papers are due on December 11, 2015.

Dated: New York, New York
November 12, 2015

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GALVIN, KATHLEEN O'KEEFE, BOARD OF
ELECTIONS IN THE CITY OF NEW YORK, NEW
YORK STATE BOARD OF ELECTIONS,

Defendants.

**NOTICE OF MOTION TO DISMISS THE
COMPLAINT**

ZACHARY W. CARTER

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*Of Counsel: Chlarens Orsland
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Matter #: 2015-041707*

Due and timely service is hereby admitted.

New York, N.Y., 20.....

....., Esq.

Attorney for