

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMUEL H. SLOAN,

Plaintiff,

- against -

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

Defendants.

15-CV-6963 (LGS)

**NOTICE OF MOTION BY STATE
DEFENDANTS TO DISMISS THE
COMPLAINT**

PLEASE TAKE NOTICE that, upon the Complaint, dated September 2, 2015, the Declaration of Jane R. Goldberg, dated December 11, 2015, together with the exhibits annexed thereto, the accompanying Memorandum of Law in Support of the State Defendants' Motion to Dismiss, dated December 11, 2015, and all prior pleadings and proceedings herein, Defendants, The New York State Board of Elections, Douglas Arthur Kellner, Kimberly Galvin, and Kathleen O'Keefe (the "State Defendants") by their attorney, ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, 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 10007, for an order dismissing the Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that (1) the

claims are barred under the Rooker-Feldman doctrine and issue preclusion; (2) the claims against the State Board and Commissioner Kellner are barred by the Eleventh Amendment; (3) defendants Galvin and O'Keefe are entitled to absolute immunity; and (4) the Complaint fails to state cause of action against the State Defendants; and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's order dated October 27, 2014, any opposing affidavits and answering memoranda shall be served on or before January 8, 2016.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Individual Rules of Practice, oral argument will be on a date and at a time designated by the Court.

Dated: New York, New York
December 11, 2015

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