

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CONSERVATIVE PARTY OF NEW YORK STATE,
WORKING FAMILIES PARTY, and NEW YORK
TAXPAYERS PARTY,

Plaintiffs,

-against-

JAMES A. WALSH, DOUGLAS A. KELLNER,
EVELYN J. AQUILA, and GREGORY P.
PETERSON, in their official capacities as
Commissioners of the New York State Board
of Elections; TODD D. VALENTINE and
ROBERT A. BREHM, in their official capacities
As Co-Executive Directors of the New York
State Board of Elections,

Defendants.
-----X

**NOTICE OF MOTION
TO DISMISS THE FIRST
FIRST AMENDED COMPLAINT**

Civil Action No. **10-CV-6923 (JSR)**

PLEASE TAKE NOTICE, defendants, James A. Walsh, Douglas A. Kellner, Evelyn J. Aquila and Gregory P. Peterson, in their official capacities as Commissioners of the New York State Board of Elections, and Todd D. Valentine and Robert A. Brehm, in their official capacities as Co-Executive Directors of the New York State Board of Elections (“defendants”), respectfully move this Court for an order pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and (6) dismissing the First Amended Complaint, dated December 20, 2010, of plaintiffs, Conservative Party of New York State, Working Families Party and New York Taxpayers Party, together with such other and further relief as this Court deems just and proper.

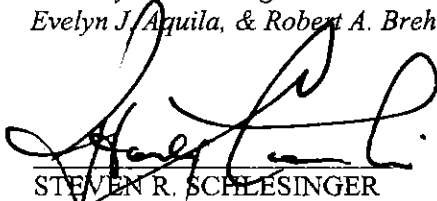
In support of their motion, defendants rely upon the accompanying Defendants' Memorandum of Law in Support of Their Motion to Dismiss The First Amended Complaint Pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and (6), dated January 10, 2011, and the affidavit of Robert A. Brehm, duly sworn to on January 10, 2011.

Respectfully submitted,

Dated: Garden City, New York
January 10, 2011

JASPAN SCHLESINGER LLP
*Attorneys for Douglas A. Kellner,
Evelyn J. Aquila, & Robert A. Brehm*

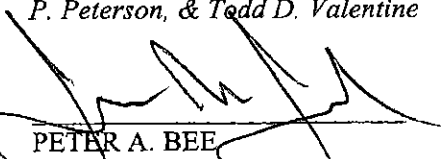
By:


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Dated: Mineola, New York
January 10, 2011

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