

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONSERVATIVE PARTY OF NEW
YORK STATE and WORKING FAMILIES
PARTY,

10 Civ. 6923 (JSR)

Plaintiffs,

NOTICE OF MOTION

-against-

NEW YORK STATE BOARD OF ELECTIONS;
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.

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PLEASE TAKE NOTICE that, upon the accompanying Declarations of
Eric Hecker, Daniel Cantor, Mike Long, and Daniel Wallach, including all of the exhibits
appended thereto, and upon the accompanying Memorandum of Law, and upon all prior
proceedings, pleadings, and filings in this Action, Plaintiffs will move this Court at the
United States Courthouse for the Southern District of New York, 500 Pearl Street,
Courtroom 14B, New York, New York, before the Honorable Jed S. Rakoff, United
States District Judge for an Order preliminarily enjoining Defendants to ensure that
voting machines inform voters when they detect double-votes, notify voters about the
consequence of voting for a candidate on more than one party line, and provide voters
with the opportunity to correct their ballots; or, in the alternative, to segregate and
preserve all ballots containing double-votes in the 2010 general election, and for such

other relief that the Court may deem just and proper.

In accordance with the schedule set by the Court, Plaintiffs' moving papers will be filed and served on October 1, 2010; Defendants' answering papers shall be filed and served on October 8, 2010; Plaintiffs' reply papers shall be filed and served on October 13, 2010. The Court has scheduled a status conference on October 12, 2010 at 10:00 AM and an evidentiary hearing on October 20, 2010 at 5:00 PM.

Dated: October 1, 2010
 New York, New York

Respectfully submitted,

BRENNAN CENTER FOR JUSTICE
AT NEW YORK UNIVERSITY SCHOOL
OF LAW

EMERY CELLI BRINCKERHOFF
& ABADY LLP

By: _____/s/_____
Wendy Weiser (WW 8580)
Lawrence Norden (LN 7123)

By: _____/s/_____
Andrew G. Celli, Jr. (AC 3598)
Eric Hecker (EH 0989)
Zoe Salzman (ZS 9816)

161 Avenue of the Americas, 12th Floor
New York, NY 10013
Telephone: (646) 292-8310
*Attorneys for Plaintiffs Conservative Party
of New York State and Working
Families Party*

75 Rockefeller Plaza, 20th Floor
New York, New York 10019
Telephone: (212) 763-5000
*Attorneys for Plaintiff Conservative Party
of New York State*