

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONSERVATIVE PARTY OF NEW YORK STATE
and WORKING FAMILIES PARTY,

Plaintiffs,

-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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**NOTICE OF MOTION
TO DISMISS**

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

PLEASE TAKE NOTICE, defendants, New York State Board of Elections (“SBOE”), 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 request that this Court enter an order pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and (6) dismissing the Complaint, dated September 14, 2010, plaintiffs, Conservative Party of New York State and Working Families 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 Pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and (6), dated November 8, 2010.

Respectfully submitted,

Dated: Garden City, New York
November 8, 2010

Dated: Mineola, New York
November 8, 2010

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*Attorneys for New York State Board
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Evelyn J. Aquila, & Robert A. Brehm*

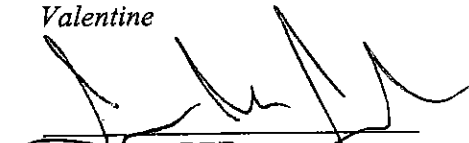
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