

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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SENATOR ELIZABETH O'C. LITTLE, SENATOR  
PATRICK GALLIVAN, SENATOR PATRICIA RITCHIE,  
SENATOR JAMES SEWARD, SENATOR GEORGE  
MAZIARZ, SENATOR CATHARINE YOUNG,  
SENATOR JOSEPH GRIFFO, SENATOR STEPHEN M.  
SALAND, SENATOR THOMAS O'MARA, JAMES  
PATTERSON, JOHN MILLS, WILLIAM NELSON,  
ROBERT FERRIS, WAYNE SPEENBURGH, DAVID  
CALLARD, WAYNEMcMASTER, BRIAN SCALA,  
PETER TORTORICI,

*Plaintiffs,*

-against-

NEW YORK LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT, and  
NEW YORK STATE DEPARTMENT OF  
CORRECTIONS,

*Defendants,*

-and-

MICHAEL BAILEY, ROBERT BALLAN, JUDITH  
BRINK, TEDRA COBB, FREDERICK A. EDMOND III,  
MELVIN FAULKNER, DANIEL JENKINSROBERT  
KESSLER, STEVEN MANGUAL, EDWARD  
MULRAINE, CHRISTINE PARKER, PAMELA PAYNE,  
DIVINE PRYOR, TABITHA SIELOFF, AND GRETCHEN  
STEVENS,

*Defendants-*

*Interveners.*

**NOTICE OF CROSS-  
MOTION**

Index No. 2310-11

September 13, 2011

Devine, J.

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PLEASE TAKE NOTICE that upon the affidavit of Robert L. Megna sworn to on the 12th day of August, 2011, the affidavit of Joseph F. Pennisi sworn to on the 18th day of August, 2011, the affirmation of Stephen M. Kerwin, Assistant Attorney General, dated August 16, 2011, the pleadings, and the annexed Memorandum of Law, Respondent New York State Department of Corrections and Community Supervision will cross-move this Court at the Albany County Court

House, Albany, New York, on September 13, 2011 at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order pursuant to CPLR 3211 (a)(7) and 3212, granting it dismissal of the Complaint, or summary judgment in its favor, and such other and further relief as may be just.

PLEASE TAKE FURTHER NOTICE that, pursuant to the stipulation of counsel, affidavits in reply to plaintiffs' motion, and in response to defendants' cross-motion shall be served by August 29, 2011 by overnight delivery

Oral argument is requested.

Dated: Albany, New York  
August 18, 2011

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By: \_\_\_\_\_  
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