

In the matter of  
RICH AMEDURE, GARTH SNIDE, ROBERT SMULLEN,  
EDWARD COX, THE NEW YORK STATE REPUBLICAN  
PARTY, GERARD KASSAR, THE NEW YORK STATE  
CONSERVATIVE PARTY, JOSEPH WHALEN, THE  
SARATOGA COUNTY REPUBLICAN PARTY, RALPH M.  
MOHR, ERIK HAIGHT, and JOHN QUIGLEY,

Petitioners/Plaintiffs,

-against-

**NOTICE OF MOTION**

STATE OF NEW YORK, BOARD OF ELECTIONS OF THE  
STATE OF NEW YORK, GOVERNOR OF THE STATE OF  
NEW YORK, SENATE OF THE STATE OF NEW YORK,  
MAJORITY LEADER AND PRESIDENT PRO TEMPORE  
OF THE SENATE OF THE STATE OF NEW YORK,  
MINORITY LEADER OF THE SENATE OF THE STATE OF  
NEW YORK, ASSEMBLY OF THE STATE OF NEW YORK,  
MAJORITY LEADER OF THE ASSEMBLY OF THE STATE  
OF NEW YORK, MINORITY LEADER OF THE  
ASSEMBLY OF THE STATE OF NEW YORK, SPEAKER  
OF THE ASSEMBLY OF THE STATE OF NEW YORK,

Index No.: 20232399

Respondents/Defendants.

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**PLEASE TAKE NOTICE**, that the Respondents/Defendants SENATE OF THE STATE OF NEW YORK and PRESIDENT PRO TEMPORE OF THE SENATE OF THE STATE OF NEW YORK, by and through their undersigned attorney, will move this Court for an Order granting the relief described below, at the time and place set forth below:

<u>Movants:</u>	Respondents/Defendants Senate of the State of New York and President Pro Tempore of the Senate of the State of New York
<u>Return Date:</u>	At a special term of this Court on <b>October 9, 2023</b> at 9:30 a.m. at the Saratoga County Supreme Court, 30 McMaster Street, Building 3, Ballston Spa, N.Y., or as soon thereafter as counsel may be heard.
<u>Relief Sought:</u>	An Order pursuant to CPLR 3211(a)(7) dismissing the Petition in its entirety for failure to state a cause of action.

Supporting Papers: The motion is supported by the Attorney Affirmation of Benjamin F. Neidl dated September 18, 2023 with Exhibits and the *Memorandum of Law by Respondents/Defendants NYS Senate and Senate Majority Leader and President Pro Tempore in Opposition to the Petition and in Support of Cross-Motion to Dismiss* dated September 18, 2023.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to CPLR 2214(d), any party opposing the motion must serve its opposition papers (and any cross-motion papers) upon the undersigned at least **seven (7) days prior** to the above-listed Return Date.

Dated: Schenectady, New York  
September 18, 2023

Respectfully submitted,

E. STEWART JONES HACKER MURPHY LLP



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By: Benjamin F. Neidl  
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