

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NEW YORK REPUBLICAN STATE COMMITTEE, NEW YORK
STATE ASSOCIATION OF TOWN SUPERINTENDENTS OF
HIGHWAYS, INC.,

2:25-cv-06083
(GRB-AYS)

Nassau County Plaintiffs

NASSAU COUNTY REPUBLICAN COMMITTEE, COUNTY OF
NASSAU, TOWN OF HEMPSTEAD, TOWN OF OYSTER BAY,
TOWN OF NORTH HEMPSTEAD, JENNIFER DESENA, JOHN
FERRETTI, MAZI M. PILIP, LAURA A. RYDER, ELAINE
PHILLIPS,

Suffolk County Plaintiffs

SUFFOLK COUNTY REPUBLICAN COMMITTEE, COUNTY OF
SUFFOLK, TOWN OF BROOKHAVEN, TOWN OF ISLIP, TOWN
OF RIVERHEAD, TOWN OF HUNTINGTON, RAHEEM SOTO,
JAROD MORRIS, LAURA ENDRES,

Orange County Plaintiffs

ORANGE COUNTY, STEVEN M. NEUHAUS, LEIGH J. BENTON,
BARRY CHENEY, THOMAS J. FAGGIONE, PAUL
RUSZKIEWICZ, KATHY STEGENGA, JANET SUTHERLAND, and
PETER V. TUOHY,

Plaintiffs,

v.

NEW YORK STATE BOARD OF ELECTIONS, STATE OF NEW
YORK, and KATHY HOCHUL, in her official capacity as Governor of
the State of New York,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of State of New York and Governor Kathleen Hochul's Motion to Dismiss dated May 27, 2026, Defendants State of New York and Governor Kathleen Hochul, by their attorney, Letitia James, Attorney General of the State of New York, will move this Court, before Honorable Gary R. Brown, United States District Judge, at the United States Courthouse located at 100 Federal Plaza, Central Islip, New York, 11722, on a date and time to be determined by the Court, for an order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing, in their entirety and with prejudice, all claims and requests for relief asserted in the Amended Complaint, ECF No. 18, based on *res judicata*, the Eleventh Amendment to the United States Constitution, lack of capacity to sue, lack of standing, and failure to state a claim.

PLEASE TAKE FURTHER NOTICE that, in accordance with the briefing schedule ordered by the Court and set forth in the Scheduling Order dated May 13, 2026, Plaintiffs' response, if any, to this motion must be served on or before June 10, 2026.

Dated: Mineola, New York
May 27, 2026

LETITIA JAMES

Attorney General of the State of New York
*Attorney for Defendants State of New York and Governor
Kathleen Hochul*

By: /s/ Rakim Johnson

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