

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

ALAN KACHALSKY, CHRISTINA NIKOLOV, : Case No. 10-CV-05413-CS
ERIC DETMER, JOHNNIE NANCE, ANNA :
MARCUCCI-NANCE, and SECOND AMENDMENT :
FOUNDATION, INC., :

Plaintiffs, :

v. :

SUSAN CACACE, JEFFREY A. COHEN, ALBERT :
LORENZO, ROBERT K. HOLDMAN, and COUNTY :
OF WESTCHESTER, :

Defendants. :

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AMENDED NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Alan Kachalsky, Christina Nikolov, Eric Detmer, Johnnie Nance, Anna Marcucci-Nance, and Second Amendment Foundation, Inc., plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Second Circuit from the order denying plaintiffs' motion for summary judgment, granting the individual defendants' motion for summary judgment, granting defendant County summary judgment, and entering final judgment in this action on the 2nd day of September, 2011, and the final judgment entered September 7, 2011.

Dated: September 13, 2011
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Attorneys for Plaintiffs

Respectfully submitted,
Vincent Gelardi
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By:


Vincent Gelardi

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
**ALAN KACHALSKY, CHRISTINA NIKOLOV, ERIC
DETMER, JOHNNIE NANCE, ANNA MARCUCCI-
NANCE, and SECOND AMENDMENT FOUNDATION,
INC.,**

**10 CV 05413 (CS)
JUDGMENT**

Plaintiffs,

-against-

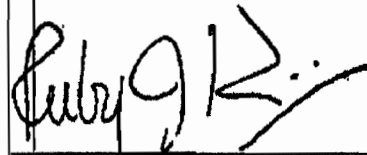
**SUSAN CACACE, JEFFREY A COHEN, ALBERT
LORENZO, ROBERT K. HOLDMAN, and COUNTY
OF WESTCHESTER,**

Defendants.

-----X
Whereas the above entitled action having been assigned to the Honorable Cathy Seibel, U.S.D.J., and the Court thereafter on September 2, 2011, having handed down an Opinion and Order (Docket #80), denying the State Defendants' and the County's Motions to dismiss, denying Plaintiffs' Motion for Summary Judgment, and granting the State defendants' Cross-Motion for Summary Judgment, it is,

ORDERED, ADJUDGED AND DECREED: that the Court denies the State Defendants' and the County's Motions to Dismiss, denies Plaintiffs' Motion for Summary, and grants the defendants' Cross-Motion for Summary Judgment, and although the County has not moved for summary judgment, the Court also grants the County Summary Judgment sua sponte. Accordingly, Judgment is entered in favor of defendants, and the case is hereby closed.

**Dated: White Plains, New York
September 7, 2011**



Ruby Krajick - Clerk

AFFIDAVIT OF SERVICE

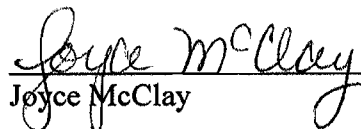
STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

I, Joyce McClay, being duly sworn, say: I am not a party to the action, am over eighteen (18) years of age and am an employee of Gelardi & Randazzo LLP, 800 Westchester Avenue, Suite S-608, Rye Brook, New York 10573.

On the 14th day of September, 2011 I served a true copy of the within Amended Notice of Appeal by mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, addressed to the last known addresses of the addressees as indicated below:

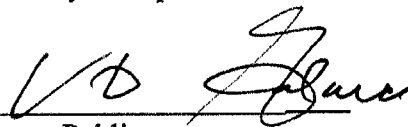
To: Anthony Tomari
Assistant Attorney General
120 Broadway – 24th Floor
New York, New York 10271

Melissa Rotini
Assistant County Attorney
148 Martine Avenue
White Plains, New York 10601



Joyce McClay

Sworn to before me this
14th day of September, 2011



Notary Public

VINCENT GELARDI
Notary Public, State of New York
No. 4997305
Qualified in Westchester County
Commission Expires 6/8/2014