

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMES M. MALONEY,

Plaintiff,

- against -

ELIOT SPITZER, in his official capacity as  
Attorney General of the State of New York, and his  
successors,

Defendants.  
-----X

**Notice of Motion**

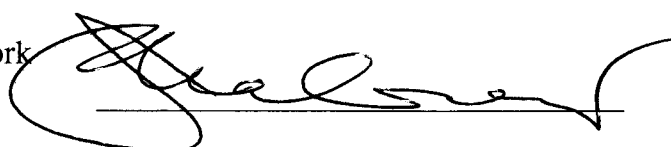
CV 03-786 (ADS) (MLO)

**PLEASE TAKE NOTICE THAT** Plaintiff, James M. Maloney, pursuant to Rule 56 of the Federal Rules of Civil Procedure, will make a motion for summary judgment in the above-captioned matter.

**PLEASE TAKE FURTHER NOTICE THAT** answering papers must be served on or before October 8, 2004, per prior stipulation.

**PLEASE TAKE FURTHER NOTICE THAT** oral argument will be requested by the movant.

Dated: August 8, 2004  
Port Washington, New York



JAMES M. MALONEY (JM-3352)  
Plaintiff *pro se*  
Law Office of James M. Maloney  
33 Bayview Avenue  
Port Washington, New York 11050

(516) 767-1395

TO: Dorothy Oehler Nese, Esq.  
Assistant Attorney General, State of New York  
200 Old Country Road, Suite 460  
Mineola, NY 11501

UNITED STATES DISTRICT COURT  
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Plaintiff,

CV 03-786 (ADS) (MLO)

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ELIOT SPITZER, in his official capacity as  
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successors,

**AFFIRMATION OF  
PERSONAL SERVICE**

Defendants.

-----X

Plaintiff, James M. Maloney, declares and affirms under penalty of perjury as follows:

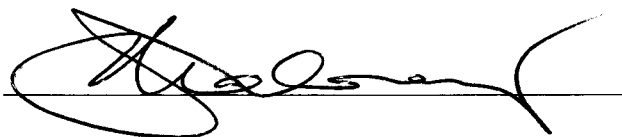
On the 9th day of August, 2004, I personally served the annexed  
Notice of Motion

upon the attorney listed below at the reception area of the address listed below by handing a  
true copy of same to a person of suitable age and discretion authorized to accept such service.

Dorothy Oehler Nese, Esq.  
Assistant Attorney General, State of New York  
200 Old Country Road, Suite 460  
Mineola, NY 11501

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 9th 2004  
Port Washington, New York



JAMES M. MALONEY (JM-3352)  
Plaintiff *pro se*  
Law Office of James M. Maloney  
33 Bayview Avenue  
Port Washington, New York 11050

(516) 767-1395