UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Alan Kachalsky, Christina Nikolov, and Second Amendment Foundation,

Plaintiffs, :

Civil Action Number:

10-cv-5413

-against-

(Hon. Cathy Seibel)

Susan Cacace, Jeffrey A. Cohen, and the County of Westchester,

:

:

Defendants.

Defendants.

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that, pursuant to the Endorsement Order of this Court dated November 5, 2010, and upon the Memorandum of Law dated November 9, 2010, and the Declaration of Anthony J. Tomari, dated November 9, 2010, the undersigned will move on behalf of Defendants the Honorable Susan Cacace and the Honorable Jeffrey A. Cohen, (hereinafter "State Defendants"), before the Honorable Judge Cathy Seibel in courtroom 218, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, 10601, at a date and time to be set by the Court, for an order dismissing this action¹, in its entirety as against the State Defendants, and granting such other and further relief as the Court deems just, proper and appropriate.

¹ Pursuant to Order of this Court dated November 5, 2010, the State Defendants were ordered to serve their Motion to Dismiss pertaining to the above-referenced plaintiffs and defendants, despite the fact that a superseding amended complaint was filed on November 4, 2010 which added 3 new plaintiffs and 2 new defendants.

Dated: New York, New York November 9, 2010

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