

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES L. ALEXANDER; ALEXANDER & CATALANO LLC; and
PUBLIC CITIZEN, INC.,

Plaintiffs,

5:07-CV-0118

v.

(FJS)(GHL)

THOMAS J. CAHILL, in his official capacity as Chief Counsel for the Departmental Disciplinary Committee for the Appellate Division of the New York Court of Appeals, First Department; DIANA MAXFIELD KEARSE, in her official capacity as Chief Counsel for the Grievance Committee for the Second and Eleventh Judicial Districts; GARY L. CASELLA, in his official capacity as Chief Counsel for the Grievance Committee for the Ninth Judicial District; RITA E. ADLER, in her official capacity as Chief Counsel for the Grievance Committee for the Tenth Judicial District; MARK S. OCHS in his official capacity as Chief Attorney for the Committee on Professional Standards for the Appellate Division of the New York Court of Appeals, Third Department; ANTHONY J. GIGLIOTTI, in his official capacity as acting Chief Counsel for the Grievance Committee for the Fifth Judicial District; DANIEL A. DRAKE, in his official capacity as acting Chief Counsel for the Grievance Committee for the Seventh Judicial District; and VINCENT L. SCARSELLA, in his official capacity as acting Chief Counsel for the Grievance Committee for the Eighth Judicial District,

Defendants.

NOTICE OF CROSS MOTION

PLEASE TAKE NOTICE that Plaintiffs will move this court at the Courthouse thereof located in Syracuse, New York, before Judge Frederick J. Scullin, Jr., as 10:00 a.m. on April 13, 2007, for an Order dismissing the Complaint pursuant to FRCP 56, or in the alternative, an Order dismissing the Complaint on the basis of this Court's abstention from exercising jurisdiction over the subject matter herein. The grounds for this Motion are set forth in the accompanying Memorandum of Law and Affirmation.

Dated: Syracuse, New York
March 27, 2007

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Diana Maxfield Kearse, Gary L. Casella, Rita E.
Addler, Mark S. Ochs, Anthony J. Gigliotti,
Daniel A. Drake and Vincent L. Scarsella

s/Patrick F. MacRae

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