

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

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MARGARITA LÓPEZ TORRES, STEVEN BANKS, C. ALFRED SANTILLO,
JOHN J. MACRON, LILI ANN MOTTA, JOHN W. CARROLL, PHILIP C.
SEGAL, SUSAN LOEB, DAVID J. LANSNER, AND COMMON CAUSE/NY,

Plaintiffs,

v.

Civil Action 04-cv-1129 (JG)

NEW YORK STATE BOARD OF ELECTIONS; NEIL W. KELLEHER,
CAROL BERMAN, HELENA MOSES DONOHUE, AND EVELYN J.
ACQUILA, IN THEIR OFFICIAL CAPACITIES AS COMMISSIONERS
OF THE NEW YORK STATE BOARD OF ELECTIONS,

Defendants,

NOTICE OF MOTION

NEW YORK COUNTY DEMOCRATIC COMMITTEE, NEW YORK
REPUBLICAN STATE COMMITTEE, ASSOCIATION OF JUSTICES OF THE
SUPREME COURT OF THE STATE OF NEW YORK, ASSOCIATION OF
JUSTICES OF THE SUPREME COURT OF THE CITY OF NEW YORK,
AND JUSTICE DAVID DEMAREST, INDIVIDUALLY, AND AS PRESIDENT
OF THE STATE ASSOCIATION,

Defendant-Intervenors,

ATTORNEY GENERAL OF THE STATE OF NEW YORK,

Statutory Intervenor.

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PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law,
together with the attached Declaration of Angela M. Mazzarelli, Affidavit of James Birch, John
P. Connors, John Z. Marangos, Robert Mulhall and Mark Piazza, Declaration of Robert C.
Kohm, Declaration of Phyllis B. Gangel-Jacob, Declaration of Alice Schlesinger, Declaration of
Joan B. Lobis and any prior submissions and proceedings in this matter, and any other
submissions in support of this motion, Defendants, Defendant-Intervenors, and the Statutory-
Intervenor (“Movants”), by and through their undersigned counsel, will move this Court before
the Honorable John Gleeson, United States District Judge, 225 Cadman Plaza East, Brooklyn,
New York at such time as shall be heard by the Court, for an Order granting, pursuant to Fed. R.
Civ. P. 62(c), a stay and/or modification of this Court’s Memorandum and Order Including
Preliminary Injunction, dated and entered January 27, 2006 (the “Order”), pending Movants’

appeal of the Order to the United States Court of Appeals for the Second Circuit, and granting to Movants such other and further relief as the Court may deem just and proper.

Respectfully submitted,

By: /s/ Andrew J. Rossman, Esq.

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individually, and as President of the State
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