

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ALBANY

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GERARD APREA,  
, JOHN VIDUREK,

-Plaintiffs,

-against-

NEW YORK STATE BOARD OF ELECTIONS,

-Defendant.-  
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Index No. 1196-11

**NOTICE OF DEFENDANT  
STATE BOARD OF ELECTIONS  
MOTION TO DISMISS THE  
COMPLAINT**

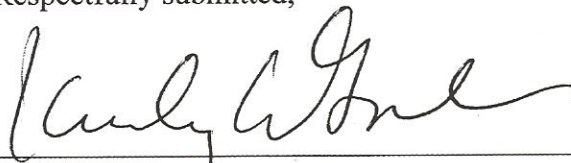
**NOTICE IS HEREBY GIVEN THAT**, on the \_\_\_\_ day of January 2012, or as soon thereafter as counsel may be heard, defendant New York State Board of Elections will move this Court, at the Albany County Courthouse, located at Columbia and Eagle Streets, Albany, New York, for order:

- (a) dismissing this action pursuant to Civil Practice Law and Rules section 3211(a)(7), on the ground that plaintiffs' pleading fails to state a cause of action; and
- (b) dismissing this action pursuant to Civil Practice Law and Rules section 3211(10), on the ground that plaintiffs' pleading fails to join necessary parties; and
- (c) for such other, further and or different relief as may be deemed appropriate.

This motion is based on this Notice of Motion, and the accompanying Memorandum of Law, dated January 20, 2012, and on all pleadings and papers on file in this action

DATED: July 20, 2011

Respectfully submitted,



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**KIMBERLY A. GALVIN**

Attorney for Defendant

New York State Board of Elections

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TO: **JOHN VIDUREK**

Plaintiff

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By Overnight Mail