

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

LIBERTARIAN PARTY OF ERIE COUNTY,  
MICHAEL KUZMA, RICHARD COOPER, GINNY  
ROBER, PHILIP M. MAYOR, MICHAEL  
REBMANN, EDWARD L. GARRETT, DAVID  
MONGIELO, JOHN MURTARI, and WILLIAM A.  
CUTHBERT,

Plaintiffs,

- against -

ANDREW M. CUOMO, individually and as Governor  
of the State of New York; ERIC T. SCHNEIDERMAN,  
individually and as Attorney General of the State of  
New York; JOSEPH A. D'AMICO, individually and as  
Superintendent of the New York State Police;  
MATTHEW J. MURPHY, III, individually and as  
Niagara County pistol permit licensing officer; DENNIS  
M. KEHOE, individually and as Wayne County pistol  
permit licensing officer; and M. WILLIAM BOLLER,  
individually and as Erie County pistol permit licensing  
officer,

Defendants.

15-cv-00654-FPG

**NOTICE OF  
DEFENDANTS' MOTION  
TO DISMISS THE  
AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, dated April 29, 2016; the Declaration of William J. Taylor, Jr., dated April 29, 2016, and the exhibits thereto; and all other papers and proceedings herein, defendants Andrew M. Cuomo, Governor of the State of New York; Eric T. Schneiderman, Attorney General of the State of New York; Joseph A. D'Amico, Superintendent of the New York State Police; the Honorable Matthew J. Murphy III, Niagara County Court Judge; the Honorable Dennis M. Kehoe, Wayne County Judge and Acting New York State Supreme Court Justice; and the Honorable M. William Boller, Judge of the New York State Court of Claims and

Acting New York State Supreme Court Justice (collectively, the “Defendants”) will move this Court at the United States Courthouse, 100 State Street, Rochester, New York, at a date and time to be scheduled by the Court, for an order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss plaintiffs’ Amended Complaint, dated December 23, 2015, with prejudice, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
April 29, 2016

ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York  
*Attorney for Defendants*

By:

*/s/William J. Taylor, Jr.*

William J. Taylor, Jr.

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*Attorney for Plaintiffs*  
**(Via E.C.F.)**