

**In The United States District Court
For The Northern District Of New York**

Robert L. Schulz, et al.,

Plaintiffs,

vs.

Case No. 07-cv-0943

State of New York, et al.,

Judge

Defendants.

Notice of Motion

PLEASE TAKE NOTICE that on January 18, 2008, at 9:30 a.m., or as soon thereafter as is convenient for the court, the undersigned attorney shall bring forward, his Motion to Dismiss. Oral argument is not requested.

DATED this 14th day of December, 2007.

STATE OF OHIO AND
OHIO SECRETARY OF STATE
JENNIFER BRUNNER

BY: MARC DANN
OHIO ATTORNEY GENERAL

BY: /s Richard N. Coglianes
Richard N. Coglianes
(NDNY Bar # 106486)
Assistant Attorney General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
614-466-2872

Certificate of Service

This is to certify that I have filed the above Notice of Motion with the clerk of courts through ECF and that ECF will send a notice of electronic filing to counsel for the other named defendants. I further certify that a copy of the foregoing document was served upon the following by mailing a true and correct copy to the following non-ECF participant who has been designated by the Court as the "Lead Plaintiff Representative":

Robert L. Schulz
2458 Ridge Road
Queensbury, N.Y. 12804

THIS 14th day of December, 2007.

/s Richard N. Coglianese