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

STATE OF NEW YORK,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
LABOR and EUGENE SCALIA, *in his official
capacity as Secretary of Labor*,

Defendants.

Case No. 20 Civ. 3020 (JPO)

**NOTICE OF DEFENDANTS' MOTION TO DISMISS AND
CROSS-MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss and Cross-Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment, Defendants the United States Department of Labor and Eugene Scalia, in his official capacity as Secretary of Labor, by their attorney, Geoffrey S. Berman, United States Attorney for the Southern District of New York, hereby move this Court pursuant to Federal Rule of Civil Procedure 12(b)(1) for an order dismissing the complaint for lack of subject matter jurisdiction and/or pursuant to Federal Rule of Civil Procedure 56 for an

order granting summary judgment in favor of Defendants and against Plaintiff the State of New York.

Dated: New York, New York
April 28, 2020

Respectfully submitted,

GEOFFREY S. BERMAN
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Counsel for Defendants

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