

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL BERGAMASCHI; and :  
FREDERICK ROBERSON; on behalf of :  
themselves and all others similarly situated, :  
:   
Plaintiffs, :  
:   
v. :  
:   
ANDREW M. CUOMO, Governor of New :  
York State, in his official capacity; and TINA :  
M. STANFORD, Chairperson of the New York :  
State Board of Parole, in her official capacity; :  
:   
Defendants. :  
:   
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Case No. 1:20-cv-02817

**NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE THAT, upon the pleadings and papers in this matter, Plaintiff Frederick Roberson and all others similarly situated (“Plaintiffs”) hereby move this Court before the Honorable Colleen McMahon for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting the Plaintiffs’ cross-motion for summary judgment and entering judgment in favor of the Plaintiffs.<sup>1</sup> This motion is based on the accompanying memorandum of law in support of plaintiffs’ motion for summary judgment and opposition to defendants’ motion for summary judgment; Plaintiffs’ Counter-Statement and Statement Pursuant to Local Rule 56.1, dated November 20, 2020; Declaration of Fredrick Roberson, dated November 17, 2020, and the exhibit attached thereto; Declaration of Samuel Murphy, dated November 17, 2020; Declaration of Jesse Barber, dated November 19, 2020, and the exhibits attached thereto; Declaration of David

<sup>1</sup> Plaintiff Michael Bergamaschi died on August 5, 2020. Plaintiffs filed a Suggestion of Death notifying the Court of his passing. *See* ECF No. 56.

Muhammad as an expert witness, dated November 20, 2020, and the exhibit attached thereto, and the Declaration of Philip Desgranges, dated November 20, 2020, and the exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that pursuant to the schedule so ordered by this Court on September 16, 2020, *see* ECF No. 55, any opposition is to be filed by December 9, and any reply is to be filed by December 18.

Dated: New York, New York  
November 20, 2020

Respectfully submitted,

/s/ Daniel R. Lambright

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