

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KELTON DAVIS, *et al.*, individually and on behalf of a  
class of all others similarly situated;

Plaintiffs,

- against -

THE CITY OF NEW YORK and NEW YORK CITY  
HOUSING AUTHORITY;

Defendants.

10 Civ. 0699 (SAS)  
ECF Case

**PLAINTIFFS' NOTICE OF MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the annexed Attorney's Declaration of Johanna B. Steinberg, dated December 14, 2012, and the exhibits attached thereto, Plaintiffs' Statement of Undisputed Facts pursuant to Local Civil Rule 56.1, the accompanying Memorandum of Law, and all the pleadings and proceedings herein, counsel for Plaintiffs will move on January 18, 2013, or as soon thereafter as counsel may be heard, before the Honorable Shira A. Scheindlin, United States District Judge for the Southern District of New York, United States Courthouse, Courtroom 15C, 500 Pearl Street, New York, New York, for partial summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, on Plaintiffs' claim that Defendant City of New York (the "City") violates Plaintiffs' rights under the Fourth Amendment to the United States Constitution.

Plaintiffs move for judgment as a matter of law against the City, declaring that the City violates Plaintiffs' rights under the Fourth Amendment to the United States Constitution through its policy of trespass enforcement as embodied, in part, in Interim Order 23. Plaintiffs

respectfully request that this Court order all appropriate injunctive relief, including, but not limited to, enjoining the City from arresting people on NYCHA developments without probable cause to believe a crime is being committed.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's order, opposition to Plaintiffs' motion, if any, shall be filed and served on the undersigned counsel on or before January 7, 2013, and Plaintiffs' reply shall be filed and served on counsel for Defendants on or before January 18, 2013.

Dated: New York, New York  
December 14, 2012

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