

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of

PHILIP NOBILE,

Plaintiff,

-against-

BOARD OF EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK; CARMEN
FARINA, in her official capacity as Chancellor of the
CITY SCHOOL DISTRICT OF THE CITY OF NEW
YORK; and, KAREN SCOTT, in her official capacity as
Superintendent, District 14 of the CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK,

Defendants.

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**NOTICE OF CROSS-
MOTION TO DISMISS
THE COMPLAINT**

Index No. 150914/17

I.A.S. Part 46

(Billings, J.)

PLEASE TAKE NOTICE that upon all prior pleadings and proceedings heretofore had herein, defendants will move this Court, in the Motion Submission Part, before the Honorable Lucy Billings, Justice of the Supreme Court, County of New York, at the Courthouse thereof, located at the Supreme Court of the State of New York, Room 204, 71 Thomas, New York, New York, on February 24, 2017, at 11:00 a.m., or as soon thereafter as counsel can be heard, for a judgment, pursuant to Section 3020-a of the Education Law and Rules 3211(a)(7) and 2014 of the New York Civil Practice Law and Rules (“CPLR”), dismissing the Petition on the grounds that the Complaint fails to state a cause of action, entering judgment for defendants, and granting defendants costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Section 3211(f) of the CPLR, in the event of denial by the Court of respondent’s Cross-Motion to Dismiss the

Complaint, in whole or in part, defendants reserve their right to answer and respectfully request thirty (30) days from the date of service of the order with notice of entry in which to serve a verified answer.

Dated: New York, New York
February 14, 2017

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
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By: _____ /s/
Monica M. Pogula
Assistant Corporation Counsel

To: **LEONARD A. SHRIER**
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Suite 409
217 Broadway,
New York, N.Y.

Index No. 150914/17

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILIP NOBILE ,

Plaintiff,

-against-

BOARD OF EDUCATION, et al.,

Defendants.

**DEFENDANTS' NOTICE OF CROSS-MOTION
TO DISMISS THE COMPLAINT**

ZACHARY W. CARTER
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100 Church Street, Room 2-317
New York, New York 10007-2601

Of Counsel: Monica M. Pogula
Tel.: (212) 356-2549

Matter No.: 2017-003354

Due and timely service is hereby admitted.

New York, New York., 201

Attorney for