

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONEIDA

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THE PEOPLE OF THE STATE OF NEW YORK,  
ex rel. Stefen R. Short, Esq., on behalf of JOHN  
FRATESCHI, DIN 11B0827; ALBERT JACKSON,  
DIN 18A4662; THOMAS JACKSON, DIN 20R0016;  
RICARDO LOPEZ, DIN 18R1196; and MICHAEL  
YANCY, DIN 16A4993,

Petitioners,

- against -

WILLIAM FENNESSY, Superintendent, Mid-State  
Correctional Facility; PATRICK REARDON,  
Superintendent, Marcy Correctional Facility; and  
ANTHONY J. ANNUCCI, Acting Commissioner,  
New York State Department of Corrections and  
Community Supervision,

Respondents.

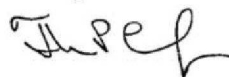
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**PLEASE TAKE NOTICE** that upon the annexed Affirmation of Thomas P. Carafa, Assistant Attorney General for the State of New York, dated May 4, 2020, the Affirmation of Charles J. Quackenbush, Esq. dated May 1, 2020, along with the Exhibits annexed hereto, the Petition and all other papers filed in these proceedings, Respondents will move at the Oneida County Supreme Court, 200 Elizabeth Street, Utica, New York 13501, on May 6, 2020 on submission, or as soon thereafter as counsel may be heard, for an Order denying the Petition in the above-captioned matter and dismissing it pursuant to CPLR §3211 (a)(7), on the ground that it fails to state a cause of action; along with any other and further relief as this Honorable Court may deem just and proper.

DATED: Utica, New York  
May 4, 2020

Respectfully submitted,

**LETITIA JAMES**  
Attorney General of the State of New York



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**NOTICE OF MOTION TO DISMISS**

**Index No.: EFCA 2020-000910**

**RJI No.: 32-20-0220**

**Hon. David A. Murad, J.S.C.**

To: **Honorable David A. Murad (via NYSCEF)**

**Justice of the Supreme Court**

Oneida County Court House

200 Elizabeth Street

Utica, New York 13501

**JUSTINE LUONGO, Esq. (via NYSCEF)**

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