SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
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In the Matter of the Application of

SURVEILLANCE TECHNOLOGY
OVERSIGHT PROJECT,

Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules

-against-

NEW YORK CITY POLICE DEPARTMENT

Respondent.
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NOTICE OF CROSS MOTION TO DISMISS
Index No. 156442/2021
(Edmead, J.)

PLEASE TAKE NOTICE, that upon the annexed affirmation of **EMILY B. GOLD**, dated September 10, 2021, and upon the exhibits annexed thereto, the undersigned will cross-move this Court at the courthouse located at 60 Centre Street, New York, New York, in the motion submission part thereof, Room 130, on October 19, 2021, or on any adjournment date, at 9:30 in the forenoon, or as soon thereafter as counsel may be heard, for an order, pursuant to CPLR §§ 7804(f), 3211(a)(2), directing the Clerk to enter a judgment denying the petition and dismissing the proceeding on the grounds of objections in point of law that (1) a diligent search has been conducted and a determination issued rendering this petition moot and academic, depriving this Court of subject matter jurisdiction over this proceeding; and (2) Petitioner's request for attorneys' fees and cost is premature, and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in the event of denial by the Court of this cross-motion to dismiss the petition, the undersigned reserves the right pursuant to CPLR section

7804(f) to serve and file a verified answer to the petition, and respectfully requests twenty days from the date of service of the order with notice of entry in which to serve the verified answer.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR § 2214(b), opposing papers, if any, must be served on the undersigned at least one (1) day before the above-listed return date.

Dated: New York, New York
September 10, 2021

GEORGIA M. PESTANA
Corporation Counsel, City of New York
ERNEST F. HART
Deputy Commissioner, Legal Matters
New York City Police Department

Emily B. Gold

By: Emily B. Gold, Esq.
Andrew J. Vacca, Esq.
Attorney for Respondent
One Police Plaza, Room 1406
New York, New York 10038
(646)-610-5400
LB4-21/21

To: David J. Lender
Jeremy P. Auster
WEIL, GOTSHAL & MANGES LLP
(*via NYSEF*)