

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

David D. BACH,

Plaintiff,

v.

Civil Action No. 1:02-CV-1500 NAM/DRH

George E. PATAKI, in his official capacity as Governor of New York; Eliot SPITZER, in his official capacity as Attorney General of New York; James W. MCMAHON, in his official capacity as Superintendent, New York State Police; J. Richard BOCKELMANN, in his official capacity as Ulster County Sheriff,

Defendants.

PLAINTIFF'S MOTION TO ADVANCE AND CONSOLIDATE THE TRIAL ON THE MERITS WITH THE HEARING ON THE PRELIMINARY INJUNCTION

TO: DEFENDANTS AND THEIR ATTORNEYS

PLEASE TAKE NOTICE that on the 8th day of January, 2003, at 10:00 a.m., or as soon thereafter as the matter may be heard, at the Courtroom of the Honorable Norman A. Mordue located at Syracuse, New York, plaintiff will, and by this notice does move the Court to advance and consolidate the trial on the merits with the hearing on the preliminary injunction.

This motion is made pursuant to Rule 65(a)(2) of the Federal Rules of Civil Procedure, and in the interests of judicial economy, and the avoidance of repetitive evidence, proceedings, motions, and opinions by the Court.

The grounds for the motion are set forth in plaintiff's attached memorandum in support and are based on all papers and pleadings on file in the action as well as such further evidence and argument as may be presented at the hearing on the motion.

Dated: December 10, 2002

By:

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