UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIPP ACADEMY CHARTER SCHOOL,

Plaintiff,

- against -

NOTICE OF MOTION TO DISMISS

UNITED FEDERATION OF TEACHERS, AFT NYSUT, AFL-CIO,

Civil Action No. 1:17-cv-01863 (DAB) (JLC)

Defendant.

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion to Dismiss of the United Federation of Teachers, Local 2, AFT, AFL-CIO ("UFT"), Declaration of Oriana Vigliotti and the exhibits attached thereto and any further briefing or argument of the parties, the UFT will move this Court before the Honorable Deborah A. Batts, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a time and date to be designated by the Court, for an Order dismissing Plaintiff's Complaint, in its entirety, pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted and for such other and further relief as shall be proper.

**PLEASE TAKE NOTICE** that, pursuant to Rule 12 of the Federal Rules of Civil Procedure, in the event that this motion is denied, in whole or in part, the UFT respectfully request 14 days from docketing of the order denying the motion in which to answer the Complaint.

Dated: New York, New York April 5, 2017

Respectfully submitted,

RICHARD E. CASAGRANDE Attorney for United Federation of Teachers 52 Broadway 9th Floor New York, NY 10004 (212) 533-6300

By: /s/ Oriana Vigliotti
ORIANA VIGLIOTTI (OV 6784)
JENNIFER HOGAN (JAH 4099)
Of Counsel

TO: Michael P. Collins
Attorney for Plaintiff
KIPP Academy Charter School
600 Third Avenue, 22<sup>nd</sup> Floor
New York, New York 10016-1915