

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

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SMARTMATIC USA CORP., SMARTMATIC)
INTERNATIONAL HOLDING B.V., and SGO)
CORPORATION LIMITED,)

Index No. 151136/2021

Plaintiffs,)

Hon. David B. Cohen, J.S.C.

-against-)

Motion Sequence No. 008

FOX CORPORATION, FOX NEWS NETWORK LLC,)
LOU DOBBS, MARIA BARTIROMO, JEANINE)
PIRRO, RUDOLPH GIULIANI, and SIDNEY)
POWELL,)

NOTICE OF MOTION

Defendants.)

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant Sidney Powell's Motion to Dismiss Pursuant to CPLR §§3211(a)(8), (a)(7), (a)(1) and 3211(g), the accompanying Affidavit of Sidney K. Powell, sworn to on April 6, 2021, the Affirmation of Howard Kleinhendler, dated April 7, 2021, and the exhibits thereto, and all papers and pleadings on file in this action, Defendant Sidney Powell will move this Court, at its Motion Submissions Part, to be held in Room 130 at the Courthouse located at 60 Centre Street, New York, New York 10007, on the 7th day of June, 2021 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order pursuant to CPLR §§3211(a)(8), (a)(7), (a)(1) and 3211(g) dismissing the claims against Defendant Sidney Powell in their entirety, with prejudice and without leave to amend, on the grounds that: (1) the court has not jurisdiction of the person of the defendant Sidney Powell; (2) the pleading fails to state a cause of action; (3) a defense is founded upon documentary evidence; (4) the action is an action involving public

petition and participation as defined in paragraph (a) of subdivision one of section seventy-six a of the civil rights law; and (5) granting such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 2214 and the stipulation of the parties, answering papers shall be served upon the undersigned on or before May 17, 2021, and reply papers shall be filed on or before June 4, 2021.

Dated: New York, New York
April 8, 2021

HOWARD KLEINHENDLER ESQUIRE

By: /s/ Howard Kleinhendler
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