

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

Theo Chino and Chino LTD,

Plaintiffs-Petitioners,

-against-

The New York State Department of Financial  
Services and Maria T. Vullo, in her official  
capacity as Superintendent of the New York State  
Department of Financial Services.

Defendants-Respondents.

**Notice of Defendants'-Respondents'  
Cross-Motion to Dismiss the  
Amended Verified Complaint  
and Article 78 Petition**

Index No. 101880/2015  
Hon. Lucy Billings

**PLEASE TAKE NOTICE**, that upon the annexed Affirmation of Thomas S. Eckmier, Esq., dated June 23, 2017, the Affirmation of Jonathan Conley, Esq., dated June 23, 2017, and the Memorandum of Law in Support of Defendants'-Respondents' Cross-Motion to Dismiss the Amended Verified Complaint and Article 78 Petition, the undersigned on behalf of defendants-respondents New York State Department of Financial Services and Maria T. Vullo, sued in her official capacity as the Superintendent of the New York State Department of Financial Services (collectively, "DFS"), will move this Court in Room 203, at 71 Thomas Street, New York, New York 10013, on the 31st day of August, 2017, at 9:30 a.m., or as soon thereafter as counsel may be heard, for a judgment pursuant to Rule 3211 and Section 7804 of the New York Civil Practice Law and Rules dismissing this proceeding, in its entirety, and for any and all such other and further relief as this Court deems just and proper; and

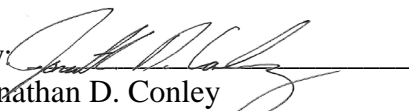
**PLEASE TAKE FURTHER NOTICE**, that pursuant to stipulation by and between the parties, Plaintiffs-Petitioners will serve and file their opposition to this motion, if any, by July 14, 2017; and

**PLEASE TAKE FURTHER NOTICE**, that DFS's reply to the Plaintiffs'-Petitioners' opposition, if any, shall be served and filed by July 28, 2017.

Dated: New York, New York  
June 23, 2017

Respectfully submitted,

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
*Attorney for Defendants-Respondents*

By:   
Jonathan D. Conley  
Assistant Attorney General  
120 Broadway, 24th Floor  
New York, NY 10271  
Tel: (212) 416-8108  
Fax: (212) 416-6009  
Jonathan.Conley@ag.ny.gov