

**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,

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

Defendants.

Plaintiff’s Motion to Advance and Consolidate the Trial on the Merits with the Hearing on the Preliminary Injunction

Plaintiff moves, in accordance with Rule 65(a)(2) of the Federal Rules of Civil Procedure, and Local Rule 7.1(b)(2), that this Court advance the trial on the merits and consolidate it with the hearing on the preliminary injunction. If the trial on the merits is consolidated, plaintiff asks the Court to treat Plaintiff’s Brief in Support of his Application for Preliminary and Permanent Injunction, and Declaratory Relief as its opening brief. The basis for this Motion is set forth in the accompanying Brief and is supported by plaintiff’s application, affidavit, exhibits, and all papers and pleadings on file in this action.

Respectfully submitted,

Dated: December 10, 2002

By: _____
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