

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES,

Plaintiff,

v.

STEVEN DONZIGER,

Defendant.

19 Cr. 0561 (LAP)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the accompanying Declaration of Martin Garbus, the Memorandum of Law in Support, and all prior proceedings herein, the defendant will move this court, as soon as counsel can be heard, for an order:

- (1) dismissing the case on the grounds of vindictive and selective prosecution; or in the alternative
- (2) dismissing the case on the grounds of the unconstitutional use of Fed. R. Crim. P. 42, as applied; or in the alternative
- (3) authorizing discovery and directing the parties to confer on an expedited discovery plan that will provide the defense with the requested information and deposition testimony in advance of trial; and
- (4) recusing the presiding judge and directing that another judge of this court be selected by random assignment.

DATED: April 12, 2021

Respectfully submitted,

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/s

Martin Garbus, Esq.

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*Counsel for defendant*