

Peter C. Harvey  
Attorney General of New Jersey  
Attorney for Defendants

By: Lisa Hibner Tavani (LT0504)  
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State of New Jersey  
Division of Alcoholic Beverage Control  
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ROBERT FREEMAN and	)	
JUDY FREEMAN, WALTER	)	HON. KATHARINE S. HAYDEN, U.S.D.J.
HANSEL WINERY, INC.,	)	
MEYER FRIEDMAN and	)	Civil Action No. 03-03140 (KSH)
BEVERLY FRIEDMAN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>NOTICE OF CROSS-MOTION</b>
	)	<b>TO DISMISS PLAINTIFFS'</b>
JAMES E. McGREEVEY,	)	<b>AMENDED COMPLAINT PURSUANT</b>
Governor of New Jersey,	)	<b>TO <u>FED.R.CIV.P. 12(b)(6)</u></b>
PETER C. HARVEY, Attorney	)	
General of New Jersey,	)	
JERRY FISCHER, Director of	)	
the New Jersey Division of	)	
Alcoholic Beverage Control,	)	
	)	
Defendants.	)	

**PLEASE TAKE NOTICE** that on September 13, 2005, the undersigned Peter C. Harvey, Attorney General of New Jersey, by Lisa Hibner Tavani, Deputy Attorney General, on behalf of defendant, Jerry Fischer, Director of the New Jersey Division of Alcoholic Beverage Control shall cross-move before the Honorable Katharine S. Hayden, United States Judge in the United States Court House, Newark, New

Jersey, pursuant to Fed.R.Civ.P. 12(b)(6) for an Order Dismissing Plaintiff's Amended Complaint.

**PLEASE TAKE FURTHER NOTICE** that the undersigned will rely on the attached brief in support of the Cross-Motion.

A proposed form of Order is attached hereto.

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_/s/\_\_\_\_\_  
Lisa Hibner Tavani  
Deputy Attorney General

DATED: September 13, 2005