

CLARENCE STAYNE STAYNE COURT
WESTCHESTER DISTRICT OF NEW YORK

ARVID AL-JUMAIL, a/k/a Herbert Scott
Defendant, et al.,

Plaintiffs,

Notion of Unconscionable,
VICTOR M. MARCUS, CO
DISMISS CERTAIN CASES
OF ACTION AND OTHER
RELIEF

-vs-

THE ESTATE OF SELWYN A. ROCKEFELLER,
et al.,

Defendants.

Defendant, VICTOR M. MARCUS, pursuant to Rules 12 and
23 seeks for an Order:

1. Dismissing as to Defendant MARCUS those causes of
action designated, "Reprisals" and "Bad Faith Prosecutions".

2. In the alternative, decertifying those causes of
action designated, "Reprisals" and "Bad Faith Prosecutions".

3. Waiving all claim of privilege by the Attorney
General of the State of New York with respect to Ethics Documents
which have previously been made available to or examined by
Plaintiffs' counsel.

The grounds for the action are:

1. Members of the Plaintiff class are collaterally
estopped and barred from asserting the allegations with respect
to "Reprisals" in the #115 through eight causes of Action
against defendant MARCUS. The allegations of reprisals were or
should have been raised in the Walker v. Marcus and Marcus of
Attica Correctional Facility v. Rockefeller (1971) and id
(1973).

2. Suing defendant MARCUS to defend against the
same and additional charges of reprisals now, fourteen years

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