

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 18 Cr. 333 (JGK)

v. :

AKSHAY AIYER, :

Defendant. :

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**NOTICE OF MOTION TO DISMISS THE INDICTMENT IN PART
FOR FAILURE TO ALLEGE A CRIME**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated March 22, 2019, the accompanying Declaration of Martin Klotz, dated March 22, 2019, and the exhibits attached thereto, the accompanying Affidavit of Richard Lyons, dated March 21, 2019, and the exhibits attached thereto, and the accompanying Affidavit of Dennis W. Carlton, dated March 22, 2019, Defendant Akshay Aiyer, by his attorneys, shall move before the Honorable John G. Koeltl of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, Courtroom 14A, for an Order, pursuant to Fed. R. Crim. P. 12 and Fed. R. Crim. P. 47, granting Defendant’s Motion to Dismiss the Indictment in Part for Failure to Allege a Crime, as per the following schedule set by the Court:

- Opening motions by Defendant shall be filed on or before March 22, 2019;
- Answering papers by the Government, if any, shall be filed on or before April 19, 2019;
- Reply papers by Defendant, if any, shall be filed on or before May 3, 2019.

PLEASE TAKE FURTHER NOTICE that the Defendant respectfully requests
that oral argument be heard on the motion.

Dated: March 22, 2019
New York, New York

By: /s/ Martin Klotz
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