

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

BELLA INGBER, SABRINA MASLAVI,
NEVO YEMINI, AVIGAIL TEILER, and
STUDENTS AGAINST ANTISEMITISM,
INC.,

Plaintiffs,

-against-

NEW YORK UNIVERSITY,

Defendant.

Case No. 1:23-cv-10023-LAP

Hon. Loretta A. Preska

**NOTICE OF NEW YORK
UNIVERSITY’S MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P.
12(B)(1), (6) AND TO STRIKE
PURSUANT TO FED. R. CIV. P. 12(F)**

Oral Argument Requested

PLEASE TAKE NOTICE that Defendant New York University (“NYU”), by and through its counsel, hereby moves this Court to dismiss the Amended Complaint (“FAC”) in the above-captioned matter pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6). In particular, the Court should dismiss the entire FAC with prejudice under Rule 12(b)(6) for failure to state a claim. Each cause of action relates to NYU’s response to alleged incidents of antisemitism, but far from plausibly alleging any violation or deliberate indifference, the FAC reflects NYU’s consistently forceful response to antisemitism on campus. In addition, this Court can also dismiss the FAC pursuant to Rule 12(b)(1) because: (i) Plaintiffs lack standing to pursue their request for injunctive relief; (ii) Plaintiff Students Against Antisemitism, Inc. lacks associational standing; and (iii) all the Individual Plaintiffs’ claims are not ripe for review. In the alternative, NYU moves pursuant to Federal Rule of Civil Procedure 12(f) to strike the FAC’s request for relief to the extent it relates to specific disciplinary measures and/or the termination of NYU employees. In support of this

Motion, NYU relies upon and incorporates by reference: (i) its accompanying Memorandum of Law; (ii) the accompanying Declaration of Daniel L. Cantor, dated March 18, 2024, and all exhibits attached thereto; and (iii) the accompanying Declaration of Jason Pina, dated March 18, 2024.

Dated: March 18, 2024

Respectfully submitted,

/s/ Daniel M. Petrocelli
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